A

# Complete Collection

OF ALL THE

# LAVVS

OF

# VIRGINIA

NOW IN FORCE.

Carefully Copied from the ASSEMBLY RECORDS.

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To which is Annexed an ALPHABETICAL TABLE.

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*LONDON*,

Printed by *T. J.* for *J. P.* and are to be sold by *Tho. Mercer* at the Sign of the *Half Moon* the Corner Shop of the *Royal-Exchange* in *Cornhil.*

To His Excellency

# FRANCIS

## LORD HOWARD,

## BARON of *EFFINGHAM*,

## His MAJESTIES

LIEUTENANT and GOVERNOUR GENERAL

OF

# VIRGINIA.

*May it please your Excellency,*

THough I know it a high Presumption in me to affix so great a *Name* to these *Papers*, yet I likewise very well know how hainous and apparent a *Premunire* I should incurr against all *Equity* and *Justice*, and in more particular manner against my *bounden Duty* to your Lordship, to Entitle any other to their Protection, or to set up any *Foreign Power* to be Supream and Paramount to that of your *Excellency's* over them: You my Lord being at this time seated in the great and honourable Stati-

on of *Governour General* under his most *Sacred Majesty*, of that Place which the subject Matter of these *Papers* particularly relate to.

My Lord, Those many Gracious and Regal Grants and Priviledges which his most *Excellent Majesty* and *Royal Ancestors* (*of ever blessed Memory*) have from time to time bestowed upon this his Majesties *Colony* of *Virginia*, since the first Settlement of the *English* there, have given being to these *Laws* for the better Government thereof; it being impossible for any number of Men to be at Peace or to flourish and prosper without good *Laws*, which are the firm Pillars of Government, and the strong Bonds of all Humane Society. One had as good live in a Desart amongst Savage Beasts, as among Men without *Law* to defend him; for *Laws* are the Hedges on either side the Road, which hinders from breaking into other Mens Propriety.

*Laws* are every Mans Civil Armour, that Guards him from the Gripes of Rapine and all other Outragious Assaults and Insolencies, and indeed 'tis for this chiefly that *Laws* are of use amongst us, not only to be our Guide, but also our Shield.

The Great and Universal Monarch of the World, the Supream Being, at first, in the very Infancy of Time gave unto Man a Law upon *Parole*, inscribed in his heart, that by those inward Dictates he might be guided and bounded in the whole Course and Road of his Life; but such has the Pravity of Humane Nature been, that this Divine Inscription is in a great measure defaced; so that Kings and Princes have found it of absolute necessity to give Literal and Prescripted *Laws* for the Government and Wellbeing of Mankind in their respective Places and Societies.

These

These Papers being a Collection of the *Laws* of this Place, presume not to Instruct your *Excellency*, who in the fair Volume of your great Mind have all the *Laws* of Equity and Justice engraven, and the vast Universal *Idea* of whatever can be call'd good in Mankind is there stamp'd. But my Lord, these Papers which contain *Laws*, and therefore ought to preserve others from Calumny and Censures, yet cannot themselves; humbly crave your Excellencies Patronage, which proves a Sanctuary to all Goodness, so well as your Power is a Terror to all Vice.

The Design of this Collection of *Laws* is the Good of the Inhabitants of this Place, for *Laws* though Enacted, stand in little stead and use till they are promulgated and made known to all persons concerned in the Obedience of them: Not my Lord that I accuse all the Inhabitants here with ignorance of their Duty, but, may it please your Excellency, The knowledg of all things that are good, the more diffusive the better, and I hope my Lord, that my honest and good intent herein will lessen and expiate in some measure my presumption in this Dedication to your Excellency.

Your Illustrious Fore-fathers have been always famous for their constant and exemplary Loyalty to their *Prince*, and some of them have received the Signal Marks of Royal Bounty. Your Excellency has eminently and deservedly partaken of both, for his most Sacred Majesty (whom God grant long to Reign) seeing you treading in the same Steps of Loyalty with your Vertuous and Noble Ancestors, hath in his Princely Wisdom been pleased to entrust your Lordship with the Weighty and Honourable Employment of *Lieutenant* and *Governour General* of *VIRGINIA*.

How

How happy is his Majesty in so Wise and Faithful a Subject and Minister! And how happy is your Excellency in serving a King whose Wisdom cannot only discern and justly value, but whose Goodness and Power can also Recompence the Merits of a Subject never so great!

But my Lord, I dare not extend my self upon your Excellencies Panegyrick, which is an infinite Subject, and requires the Pen of the most Skilful Orator: I shall therefore content my self to admire with other Men what I cannot comprehend, lest I should offend and be injurious to your Excellency by my little and weak Expressions, which are far below my thoughts, and my thoughts far below your great and high Merits; which necessarily forces all Men (whose happiness 'tis to know your Lordship) to aspire, and I more than all others, to take the liberty to write and stile my self

*My most Honoured Lord,*

*Your Excellencies*

*most Humble*

*most Devoted*

*and most Obedient Servant*

J. P.

# A
# Complete Collection
## OF THE
# LAVVS
## OF
# VIRGINIA
## AT
# A Grand Assembly
## HELD AT
# JAMES CITY
## 23 *MARCH* 1662.

WHEREAS the late unhappy Distractions caused frequent Change in the Government of this Countrey, and those produced so many Alterations in the Laws, that the people knew not well what to obey, nor the Judges what to punish: By which means Injustice was hardly to be avoided, and the Just Freedom of the People, by the uncertainty and licentiousness of the Laws, hardly to be preserved. This

Aſſembly taking the ſame into their ſerious Conſiderations, and gravely weighing the Obligations they are to diſcharge to God, the King, and the Countrey, have by ſettling the Laws, diligently endeavoured to prevent the like Inconveniencies, by cauſing the whole Body of the Laws to be revived, all unneceſſary Acts, and chiefly ſuch as might keep in memory our forced deviation from His Majeſties Obedience, to be repealed and expunged; and thoſe that are in force to be brought into one Volume: And leſt any prejudice might ariſe by the ignorance of the Times from whence thoſe Acts were in force, they have added the Dates of every Act, to the end that Courts might rightly adminiſter Juſtice and give Sentence according to Law for any thing happening at any time ſince any Law was in force: And have alſo endeavoured in all things as near as the Capacity and Conſtitution of this Countrey would admit, to adhere to thoſe excellent and often refined Laws of *England*, to which we profeſs and acknowledge all Reverence and Obedience. And that the Laws made by us are intended by us but as Brief Memorials of that which the Capacity of our Courts is utterly unable to collect out of its vaſt Volumes, though ſometimes perhaps, for the difference of our and their Condition, varying in ſmall things, but far from the preſumption of contradicting any thing therein contained. And becauſe it is impoſſible to honour the King as we ſhould, unleſs we ſerve and fear God as we ought. And that they might ſhew their equal care, they have ſet down certain Rules to be obſerved in the Government of the Church, until God ſhall pleaſe to turn His Majeſties Pious Thoughts towards us, and provide a better ſupply of Miniſters among us.

BE it therefore Enacted by the *Governour*, *Council*, and *Burgeſſes* of this *Grand Aſſembly*, That all the following *Laws* continued or made by this *Aſſembly*, ſhall be hereafter reputed the *Laws* of this *Countrey*, by which all *Courts* of *Judicature* are to proceed in giving of *Sentence*; and to which all perſons are ſtrictly required to yield all due obedience: And that all other *Acts* not in this *Collection* mentioned, to be to all intents and purpoſes utterly abrogated and repealed; unleſs Suit be commenced for any thing done in the time when a Law now repealed was in force: in which Caſe the

the producing that *Law* ſhall excuſe any Perſon for doing any thing acording to the *Tenor* thereof.

I.

## Church *to be built* , *or* Chappel of Eaſe.

BE it Enacted for the *Advancement* of *Gods Glory* and the more *decent Celebration* of his *Divine Ordinances*, there be a *Church* decently built in each *Pariſh* of the *Countrey*, unleſs any *Pariſh* as now ſettled, by reaſon of the fewneſs or poverty of the Inhabitants, be incapable of ſuſtaining ſo great a *Charge* ; in which Caſe it is Enacted that ſuch *Pariſhes* ſhall be joyned to the great Pariſh of the ſame County, and that a *Chappel* of *Eaſe* be built in ſuch places, at the particular Charge of that place.

*A Church to be built in each Pariſh.*

*Small Pariſhes to have Chappels of Eaſe.*

I I.

## Veſtries *appointed*.

THat for the making and proportioning of the Levies and Aſſeſsments for building and repairing the Churches and Chappels, Proviſion for the Poor, Maintainance of the Miniſter, and ſuch other neceſſary Uſes, and for the more orderly Managing all Parochial Affairs, Be it Enacted that Twelve of the moſt able Men of each Pariſh be by the Major part of the ſaid Pariſh choſe to be a Veſtry; out of which number the Miniſter and Veſtry to make Choice of two Church-wardens yearly,

*A Veſtry in each Pariſh, conſiſting of Twelve Men, to be choſe by the Major part of the Pariſhioners.*

ly, as at, so in Case of the Death of any Vestry-man or his departure out of the Parish, that the said Minister and Vestry make Choice of another to supply his Room. And be it further Enacted that none shall be admitted to be of the Vestry that doth not take the Oaths of Allegiance and Supremacy to his Majesty, and subscribe to be conformable to the Doctrine and Discipline of the Church of England.

*None to be admitted of the Vestry without taking the Oaths of* Allegiance *and* Supremacy.

# III.

Rep: 11. act. 1696.

## Glebes *to be laid out.*

*Provision for the Minister.*

THat for the better encouragement and accommodation of the Ministry, there be Glebes laid out in every Parish, and a convenient House built for the reception and abode of the Minister according to his Majesties Instructions. And that such Provision be made for his Maintainance in the valuable and currant Commodities of the Countrey, as may be really worth Fourscore Pounds *per Annum*, besides his Perquisites and the Glebe: *Viz.* If in Tobacco at the rate of Twelve Shillings the Hundred, in Corn at Ten Shillings the Barrel, if in Money by Bills of Exchange, Security to be given for the certain Payment, and in Case of protest to be recovered here with Fifty *per Cent.* for Damages.

*His Maintainance to be worth* 80 *l* per Annum *besides his Perquisites and Glebe.*

# IV.

## Ministers *to be Inducted.* 1642.

*No Minister to Officiate without producing Testimonials of his having re-*

THat for the preservation of Purity and Unity of Doctrine and Discipline in the Church, and the right Administration of the Sacraments, no Minister be admitted to officiate in this Countrey but such as shall produce to the Governour a Testimonial that he hath recei-

received his Ordination from ſome Biſhop in *England*, and ſhall then ſubſcribe to be conformable to the Orders and Conſtitutions of the Church of *England* and the Laws there eſtabliſhed; upon which the Governour is hereby requeſted to induct the ſaid Miniſter into any Pariſh that ſhall make preſentation of him: And if any other Perſon pretending himſelf a Miniſter, ſhall contrary to this Act preſume to Teach or Preach publickly or privately, the Governour and Council are hereby deſired and impowered to ſuſpend and ſilence the Perſon ſo offending: And upon his obſtinate perſiſtence to compel him to depart the Countrey with the firſt Convenience, as it hath been formerly provided, by the 77 Act made at *James* City the 2 of *March*, 1642. *ceived his Ordination of ſome Biſhop of* England.

## V.

## Miniſters *to provide* Readers. 1661.

THat every Pariſh not having a Miniſter to Officiate every Sunday, to make Choice of a grave and ſober Perſon, of good Life and Converſation, to read Divine Service every intervening Sunday at the Pariſh Church, when the Miniſter preacheth at any other place. *Divine Service to be read each other Sunday.*

## V I.

## Liturgy *to be Read.*

THat the Canons ſet down in the Liturgy of the Church of *England* for celebrating Divine Service and Adminiſtration of the Sacraments, be duly obſerved and kept: And that the whole Liturgy, according to the ſaid Injunctions, be by the Miniſter or Reader at Church and Chappel every Sunday throughly read. *Canons and Liturgies of the Church of* England *to be obſerved.*

## VII.

## Church Catechism.

*No other Catechisme but that in the Common-Prayer to be used.*

THat neither Minister nor Reader teach any other Catechism then that by the Canons appointed and inserted in the Book of *Common Prayer* : And that the Minister expound no other then that: That our Fundamentals at least may be well laid, and that no Reader upon presumption of his own abilities do attempt the expounding that or any other *Catechism* or the *Scriptures*.

## VIII.

## Ministers to Preach Weekly.

*Ministers to preach Weekly. Sacraments to be Administred at least twice in the year.*

THat the Minister of every Parish preach constantly every Sunday : *Viz.* One Sunday in a Month at each *Chappel* of *Ease* in his Parish, if there be any, and the other in his Parish Church, and that twice a year at least he administer the *Sacrament* of the *Lords Supper* there.

## I X.

## Sundays not to be prophaned.

*The Lords day to be kept Holy.*

*Divine Service and Preaching to be diligently attended.*

THat the *Lords day* be kept *Holy*, and that no Journeys be made on that day, except in Case of emergent Necessity ; And that no other thing be used or done that may tend to the Prophanation of that day : But that all and every person and persons inhabiting in this Countrey, having no lawful excuse to absent, shall upon every Sunday and the four Holy Days hereafter mentioned, diligently resort to their Parish Church or Chappel accustomed, then and there to abide orderly and

and ſoberly during the time of *Common-Prayer*, *Preaching*, or other Service of God, upon penalty of being Fined Fifty pounds of *Tobacco*, by the County Court upon preſentment made by the Church-Wardens, who are to Collect the ſame with the Pariſh *Levies*: Provided always, That this Act conclude not *Quakers* or other *Recuſants*, who out of Non-conformity to the Church, totally abſent themſelves, but that they ſhall be liable to ſuch Fines and Puniſhments as by the Statute of 23 of *Eliz.* are Impoſed on them; being for every Months abſence Twenty pounds *Sterling*; and if they forbear a Twelve-month, then to give good ſecurity for their Behaviour, beſides their payment for their Monthly abſence, according to the Tenor of the ſaid Statute: And that all *Quakers* for Aſſembling in unlawful Aſſemblies and Conventicles, be fined and pay each of them there taken 200 *l.* of *Tobacco* for each time they ſhall be for ſuch unlawful Meetings preſented by the Church-wardens to the *County Courts*.

*Quakers to be preſented as by* 23 Eliz. *Preſentments of Defaulters to be made by the Church-wardens.*

## X.

## January *the* 30*th. to be kept a Faſt.*

WHereas our late Surrender and Submiſſion to that execrable power that ſo bloodily maſſacred the late King *Charles* the Firſt of ever bleſſed *Memory*, hath made us by acknowledging them, guilty of their Crimes, to ſhew our ſerious and hearty repentance and deteſtation of that Barbarous Act; Be it Enacted, That the Thirtieth of *January*, the day the ſaid *King* was Beheaded, be annually ſolemnized with *Faſting* and *Prayers*, that our Sorrows may expiate our Crime, and our Tears waſh away our Guilt.

*A yearly Faſt on the* 30*th. of* January.

XI. May

## XI.

## May 29th. to be kept holy.

*The 29th of May to be Celebrated as an Holy day.*

SInce God of his Mercy hath been pleased to Restore our late distracted Kingdoms to Peace and Unity; And his late distressed Majesty to the Throne of his Royal Ancestors: Be it Enacted, That in Testimony of our Thankfulness and Joy, the Twenty-Ninth of *May*, the day of his Majesties Birth and happy Restitution, be annually Celebrated as an Holy day.

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## XII.

## *None to be* Married *but by* Ministers, *nor by them, but by* Licence, *or publishing the* Banes.

*Marriage to be performed by Ministers only, and according to the Laws of* England.

THat no Marriage be solemnized or reputed valid in Law, but such as is made by the Minister according to the Laws of *England*; And that no Minister Marry any person without *Licence* from the *Governour* or his *Deputy*, or thrice publication of Banes according to the prescription of the *Rubrick* in the *Common-Prayer Book*, which enjoyns, That if the persons to be Married, dwell in several Parishes, the *Banes* must be asked in both Parishes, and that the Curate of the one Parish shall not solemnize the *Matrimony* until he have a Certificate from the Curate of the other Parish that the *Banes* have been there thrice published and no objection made against the Parties joyning together: And if any Minister shall contrary to this Act Marry any persons, he shall be Fined Ten thousand pounds of *Tobacco*: And any pretended Marriage made by any other then a Minister be reputed Null; and the Children born out of such Marriage of the Parents, esteemed illegitimate: And the Parents suffer such punishment as by the Law prohibiting Fornication ought to be Inflicted.

*None to be Married without* Licence *or publication of Banes.*

*The Penalty.*

XIII. Church-

## XIII.

## Church-wardens *to make* Preſentment.

THat the Church-wardens ſhall twice every year, *viz.* In *December* Court and *April* Court, deliver a true Preſentment in Writing of ſuch Miſdemeanors, as by their Knowledge or by common Fame have been commmitted whilſt they have been Church-wardens, namely Swearing, Prophaning Gods holy Name, or Sabbath abuſing, or contemning his holy Word and Sacraments, or abſenting themſelves from the Exerciſe thereof: As alſo of thoſe foul and abominable ſins of Drunkenneſs, Fornication, and Adultery; and of all Malicious and Envious Slandering and Backbiting: for the better manifeſtation whereof, the ſaid Church-wardens are Impowered to Cauſe all ſuch Perſons upon whoſe reports they ground their Preſentments, to appear at the reſpective *County* Courts, to which the Preſentments are made, to give in their Evidences concerning the ſame.

*Church-wardens ſhall make Preſentments of all Miſdemeanors twice in the year.*

*Preſentments for what.*

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## XIV.

## *Burying of* Servants *or others privately, prohibited.*

WHereas the private Burial of Servants and others, give occaſion of much Scandal againſt divers Perſons, and ſometimes not undeſervedly, of being guilty of their Deaths; from which, if the perſon ſuſpected be Innocent, there can be no Vindication, nor if Guilty no Puniſhment, by reaſon they are for the moſt part Buried without the Knowledg or View of any others then ſuch of the Family, as by nearneſs of Relation, as being Husband, Wife, or Child, are unwilling, or as Servants, are fearful to make diſcovery if Murther were Committed: for Remedy whereof, as alſo for taking away that Barbarous Cuſtom of expoſing the Corps of the Dead, by making their Graves in Common and Unfenced Places,

*Private Burials prohibited.*

*Places to be set a-part for Publick Burial.*

to the prey of *Hogs* and other *Vermine* ; Be it Enacted, That there be in every Parish Three or Four, or more Places appointed, according to the greatness or littleness of the same, to be set a-part and fenced in for Places of *Publick Burial* for that *Precinct* : And further, That before the Corps be Buried, there be at least three or four of the Neighbours called, who may in case of Suspicion view the Corps ; and if none, yet according to the decent Custom of all Christendom, they may accompany it to the Grave. And be it further Enacted, That no persons, whether Free or Servants, shall be Buried in any other place than those so appointed, unless such who by their own Appointments in their life time have signified their desire of being interred in any particular place else where.

## XV.

## Church-wardens *to keep the* Church *in repair and provide* Ornaments.

*Churches to be Repaired.*

*A Great Bible, two Common-Prayer-Books, a Communion Cloth and other Ornaments to be provided.*

*Church-wardens to Collect the Ministers Dues.*

AND it is further Enacted, That the said Church-wardens take care, and be impowered during their Church-wardenship, to keep the Church in Repair, provide Books and decent Ornaments: ( *Viz.* ) a Great *Bible*, two Comon Prayer Books, a Communion Cloth and Napkins, a Pulpit and Cushion, this present year and after annually : something towards Communion Plate, Pulpit Cloth and Bell, as the Ability of the Parish will permit : And that they the said Church-wardens do faithfully Collect the Ministers Dues, Cause them to be brought to Convenient places, and honestly pay them, and that of all their Disbursments and Receipts they give a true Account to the *Vestry* when by them required, who are impowered by a former Branch of this Act to levy the same upon the Parish, and by this to give the said Church-wardens a sufficient Discharge.

XVI. Regi-

## XVI.

## Regiſters *to be kept by the* Miniſters *or* Readers.

WHereas many Differences do frequently ariſe about the Age of *Orphans*, and *Inquiries* are often made for perſons imported into this Countrey and here deceaſed, and no poſitive Certificates can be granted of the Age of one, or Death of the other, by reaſon no *Regiſters* have been kept, which might by the Records there entered, evidence the ſame. Be it therefore Enacted, That the Miniſter or Reader of every Pariſh ſhall well, truly, and plainly Record all Births, Burials, or Marriages that ſhall happen within the precincts of that Pariſh, in a Book to be provided by the *Veſtry* for that purpoſe, and if any Maſter of a Family, or other perſon concerned, ſhall omit the giving Notice to the ſaid Miniſter or Reader of the day of the Birth, Death, or Marriage of any to him or them related, the ſpace of a Month, ſuch perſon for ſuch his Neglect be Fined One hundred pounds of *Tobacco*, and that the Miniſters have for their Entry of ſuch Birth, Death, or Marriage, Three pounds of *Tobacco*, and if they neglect Entering the ſame as aforeſaid, that they be Fined upon diſcovery made of the ſaid Neglect, Five hundred pounds of *Tobacco* to the uſe of the Pariſh.

*Births, Burials, and Marriages, to be recorded.*

*The neglect to be fined.*

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## XVII.

## Licences *for* Marriage *how to iſſue.*

ANd whereas many times Licences are granted, and the perſons are married out of the Pariſhes, which Licences have been uſually granted by the Governours, whoſe knowledg of perſons cannot poſſibly extend over the whole Countrey. Be it Enacted, That henceforward, all perſons deſiring Licences for Marriage, ſhall firſt repair to the Clerk of the *County Court*, and there give Bond with good Security, that there is no lawful

*How Licences for* Marriage *are to be granted.*

Cauſe

Cauſe to obſtruct their ſaid Marriage: And that upon Receipt of ſuch Bond, the ſaid Clerk ſhall write the Licence, and Certify to the firſt in Commiſſion for that County, or ſuch other, whom it ſhall pleaſe the Governour to depute, that he hath taken a Bond as aforeſaid, who by vertue thereof ſhall ſign the ſaid Licence and direct the ſame to the Miniſters. And to the end that the Legal Grant of the ſaid Licence may be made evident, and the Governour aſcertained of his juſt Dues, It is further Enacted, That the ſaid Clerk ſhall yearly, in *September Court* return the Names of the parties Married, and of the Security to the *Secretarys Office*, there to be recorded; And further, That he deliver an account of the Fees due for the ſaid Licences to the Sheriff or Collector of the County, who is hereby required to collect the ſame with the Levies, and to make payment thereof to the Governour and others to whom they are due; And any Clerk making default in any of the premiſes, to forfeit one Thouſand pounds of *Tobacco* to the uſe of the Governour, the Fees for the Licences to be as followeth: *viz.* To the Governour Two hundred Pounds of *Tobacco*, or Twenty Shillings *Sterling*; To the Clerk for writing the Bond Licence Certificate, and returning the ſame to the Office, Fifty Pounds of *Tobacco*: And to the Secretary, for recording the ſame in the Office as aforeſaid, Forty Pounds of *Tobacco*; and the Miniſter marrying with a Licence Two hundred Pounds of *Tobacco*, or Twenty Shillings *Sterling*; if by Banes Fifty Pounds of *Tobacco* or Five Shillings.

*Fees for* Licences *how to be levied.*

*The Fees aſcertained.*

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## XVIII.

## *Proviſion for a* Colledge.

Diſused.

WHereas the want of able and faithful Miniſters in this Countrey deprives us of thoſe great Bleſſings and Mercies that always attend upon the Service of God; which want, by reaſon of our great diſtance from our Native Countrey, cannot in probability be always ſupplied from thence: Be it Enacted, That for the Advance of Learning, Education of Youth, Supply of the Miniſtry, and Promotion

motion of Piety, there be Land taken up or purchaſed for a Colledge and Free School: And that there be with as much ſpeed as may be convenient Houſing erected thereon, for entertainment of Students and Scholars. *A Colledge and Free-School.*

Whereas an ancient Practice of this Countrey, hath contrary to Law and Reaſon ignorantly veſted the Lands of perſons inteſtate in the hands of Adminiſtrators; of whom divers perſons have purchaſed and hold their Lands by no other Titles than ſuch Sales, which can be of no validity againſt the Claim of the King, whom no time can preſcribe, and to whom if an heir appear not, the Land muſt of neceſſity devolve: And if the King ſhould at any time give expreſs Order to an Eſcheator to make enquiry into the Titles we hold by, the ſaid Eſcheator, cannot by vertue of his Office but find all ſuch Lands for the King; Which we *Francis Moriſon* and *Thomas Ludwel*, who are at preſent Intruſted by his Majeſties Treaſurer, to make compoſition of all Lands ſo eſcheated to his Majeſty; taking into our ſerious Conſideration, and out of our tender Care of many poor men, who by the loſs of Lands, thus perhaps dearly purchaſed and honeſtly paid for, and out of our ſenſe of the many Inconveniences and great Damages would fall upon them by being ouſted out of their Poſſeſſions, by the ſeverity of a too rigorous Eſcheator; And that on the other ſide, we might not ſeem to debar his Majeſty of his juſt Rites, we have thought it convenient to propoſe a certain Rule for compoſitions of all Lands held by any pretended Right two years, by which, while the power is in our hands, we ſhall proceed; and if the Aſſembly think it a Favour, we ſhall joyn with them, making it our requeſt to *Major Norwood* his Majeſties Treaſurer, to get his Majeſty to confine them, that no ſucceeding Eſcheator may at his pleaſure rigorouſly exceed theſe our moderate and reaſonable Demands. *Lands of perſons Inteſtate.* Obsolete

1. We concede that any perſon, having been two years in poſſeſſion of any Land, that ought to have been veſted in his Majeſty by Eſcheat, ſhall pay for his Compoſition but One Hundred Pounds of *Tobacco*, for every fifty Acres, beſides the Fees for finding the Office and drawing the Conveyance.

2. That every person, having been so in possession two years, as aforesaid, shall have Eight Months time to Petition for, and make their Composition: But if they defer it longer, and another sue for it and obtain it, they can impute the Blame to nothing but their own Neglect.

3. That where there is a Widow, she shall enjoy the Land of her Husband during her life, and be admitted in the first place to make her Composition for the Fee-simple, in case she signifie her desire within the time aforesaid.

4. That all Lands Escheated before the two years aforesaid, the person concerned shall pay for his Composition as aforesaid: But all Lands which shall hereafter lapse, or which have lapsed within the two years last past, the Composition to be made for, with those by his Majesties Treasurer appointed and authorized thereunto: And that the Widdow be admitted, in the first place, she making her Claim within Eight Months according to the Proposition abovesaid.

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## XIX.

## COURTS.

*Courts formerly called Quarter Courts, to be henceforth stiled General Courts.*

WHereas the name of *Quarter Courts*, is altogether unsuitable to the nature of those Courts held by the Governour and Council, both in respect there are but three of these Courts in the year, as also because they are not equally distributed in the Quarters of the year, *September* and *November* being too near, and *March* too long from them to admit of that Title. Be it therefore Enacted, That the said Courts be no longer Stiled *Quarter Courts*, but that they be henceforth called *General Courts*, a Name more suitable to the Nature of them, as being places where all Persons and Causes have generally Audience, and receive Determination.

Whereas the Acts of Assembly already made, are very defective in prescribing the Rules to be observed in the Proceedings, both in those General and the Particular

*County*

*County Courts*; for want whereof many Errors are committed, the respects due to the Courts, so nearly representing his Majesties Sacred Person, by the clamorous unmannerliness of the people lost: and the order, gravity, and decorum, which should manifest the Authority of a Court, in the Court it self neglected: And in regard the long omission of those hugely material, though in themselves little things of form, hath caused all things still to continue in the first Disorders; It hath appeared necessary to this present Grand Assembly, to set down the Rules and Forms themselves, for the beginning, continuance, and proceedings in the said Courts as followeth. And it is therefore Enacted, That the *General Courts* begin and continue as followeth.

*General Courts to begin and continue.*

*Rules for the beginning, continuance, and proceedings in Courts.*

That *March Court* begin the Twentieth of *March*, if it be not Saturday or Sunday, and then the Monday following, and hold Eighteen days, not accounting Sundays in the number.

That *September Court* begin the Twentieth of *September*, if it be not Saturday or Sunday, and then to begin the Monday following, and hold Twelve days, not accounting Sundays in the number.

That *November Court* begin the Twentieth of *November*, if it be not Saturday or Sunday, and then to begin the Monday after, and hold Twelve days, not accounting Sundays in the number.

That Adjournments of the said Courts be always avoided, and that they begin precisely upon the day, that all persons knowing the day of the return of the Writs, may accordingly give their Attendance.

*Stile how Entred.*

*How the Stile of the Court shall be entred.*

That the Stile of the Court be entred thus,

A*T a General Court held at* James City *the Twentieth of* *by His Majesties Governour and Council* *in the* *year of the Reign of our Soveraign Lord* CHARLES

CHARLES *the Second*, *by the grace of God of* Great Britain, France, *and* Ireland, *King*, *Defendor of the Faith*, &c. *and in the year of our Lord God present.*

Insert the Names of the Governour and Council.

*Manner of proceeding in Court.*

Silence commanded, then let the Cryer or Under-Sheriff make Proclamation, and say,

*O Yes! O Yes! O Yes! Silence is commanded in the Court while His Majesties Governour and Council are sitting, upon pain of Imprisonment.*

Suitors to appear.

After Silence commanded, let the Crier make Proclamation, saying,

*ALL manner of persons that have any thing to do at this Court, draw near and give your attendance; and if any one have any Plaint to enter or Suit to prosecute, let them come forth and they shall be heard.*

When Silence is thus commanded, and Proclamation made, upon calling the Docket the Cryer shall call for the Plaintiff.

Calling the Plaintiff.

A. B. *come forth and prosecute thy Action against* C. D. *or else thou wilt be Non-suit.*

And the Plaintiff putting in his Declaration, the Cryer shall call for the Defendant.

Calling for the Defendant.

C. D. *come forth and save thee and thy Bail, or else thou wilt forfeit thy Recognizance.*

*Warrants for Proceedings to be issued by the Clerk.*

For Proceedings in the said Courts, Warrants to be issued by the Clerk.

XX. *Actions*

## XX.

## *Actions to be proportioned.*

Rewis: Rep.

*Actions shall be proportioned to the number of Twenty for each day.*

BE it Enacted, That Warrants be issued by the Clerks of the General Courts, and the said Clerk so proportion the number of his Actions, that there be for each day Twenty: And that until there be Twenty Actions entred for the first day, no Warrant issue for the second; and then Twenty for the second before any issue for the third: and so proportionably Twenty *per* day, for so many days as there are Actions to fill with that number: It being unreasonable that the Governour and Council should wait a Week for a straggling Business entred at a particular mans pleasure. And in case any special Warrant issue, that for the extraordinariness of the business may require the Governours own signing: It is Enacted, That the person first go to the Clerk, and there enter his Action, and the day of the Return, before his Warrant shall be signed.

*At what time Warrants may be served.*

And whereas some scruples have arisen about the time Warrants may be served, *viz.* Whether ten days before the Return, that is the day mentioned in the Writ to appear, It is hereby declared that Warrants may be served at any time, if there be ten days between the Serving and the Return as aforesaid: And further, That it may be done in Court time for the same Court, if there be ten days between the Serving.

## XXI.

### Courts *to sit from Eight to Eleven of the Clock in the Forenoon, and from One to Three Afternoon.*

Rov: Rep.

*How long Courts shall Sit.*

BE it also further Enacted, That the Court shall each day sit from Eight of the Clock to Eleven in the Forenoon; and from One to Three in the Afternoon. And for avoiding all Errors that may happen in the Draught for the Orders by the Clerk, either through his misapprehending the sense of the Court, or the partial Information of any person concerned, which he being distracted with the multitude of Business may unwittingly assent to, That all Orders of the day be by the Clerk drawn up against next Morning, and then read in open Court in presence of the Plantiff and Defendant, if they will be present, when Rule will be given by the Court for Amendment of Errors, if any be, before they be Entred upon Record; and the Plantiff or Defendant, if they have any new matter of Plea, shall then have liberty to plead it in Arrest of Judgment: And the Orders thus publickly read and confirmed, shall be signed by the Secretary, which shall remain upon File in the Office for the full justification of the Clerk, who is to enter them in the Book of Records.

*Amendment of Errors.*

## XXII.

### *The* Plaintiff *to File his* Declaration *Three days before the day of Hearing.*

Rov: Rep.

*Declarations to be filed three days at least before Pleading.*

AND whereas the Clerk is enjoyned to enter Twenty Actions for each day, and the Court to sit at certain hours, so also it is hereby Enacted, That the Plantiff File his Declaration in the Office, at least three days before

before the day of Hearing: in which time the Defendant may take a Copy thereof, the Original ſtill remaining in the Office, and provide his Anſwer in writing ready to preſent to the Governour and Council at the day of Hearing: And further, That if the Plantiff fail either in not appearing to proſecute, or in neglecting to File his Declaration, as is hereby enjoyned, he ſhall pay to the Defendant if he lived within Fifty miles of *James* City, One hundred and Fifty pounds of *Tobacco* for a Non-ſuit; and if he dwell further off, then Three hundred and Fifty pounds of *Tobacco* beſides his Amercement to the Publick. And if the Defendant make default, the Judgment to paſs againſt the Bail for the thing ſued for; or if no Bail be returned, then againſt the Sheriff, beſides his Amercement of One thouſand pounds of *Tobacco*, laid upon him by Act for not making Returns; Provided that the Bail and Sheriff have reſpite of Execution until the next Court: when if they bring in the perſon of the Party, the Judgment of the firſt Court granted to be reverſed, but the Amercement awarded againſt the Sheriff to continue and not be remitted.

*The Penalty of a Default.*

## XXIII.

## *Adjournment to the two laſt days for Determination of References by* Aviſare Volumus, *or Actions entred in Court time.*

AND whereas this Act enjoyns the proportioning ſo many Actions to a day, but gives liberty to Arreſt in Court time to the laſt days of the Court, and whereas ſome Caſes of Difficulty may be preſented, upon which the Court may deſire to adviſe. Be it therefore Enacted, That as ſoon as the Court hath ſat ſo many days as are filled with Actions, it ſhall be Adjourned to the two laſt days of that Court; and whatever the Court hath referred by their *Aviſare Volumus*, and all Actions entred in Court time as aforeſaid, ſhall be then tried and determined.

*Adjournment to the two laſt days for determination of References by* Aviſare Volumus.

XXIV. *Crimi-*

## XXIV.

## Criminal Causes to be tried at the General Court.

Rev: Rep

*Crimminal causes to be Tried only at General Courts, and on the Fourth day.*

WHereas men of the greatest Abilities both of Judgement and Integrity, do usually meet at the General Courts, whither their Ocasions do frequently call them, and because any thing that concerneth Life or Limb, requires the ablest Juries to enquire of it: Be it Enacted, That all Criminal Causes, that concern either Life or Member, shall be tried at the *General Courts*, only the Fourth day of the said Courts; And because the Laws of *England* do enjoyn Juries to be chosen out of the Neighbour-hood where the Fact was committed; according to which the remoteness of our Habitations doth not admit us so fully to practice, as we desire; yet that we may come to them as near as possible we may, and because it is very requisite that part of the Jury, at least, should come from thence, who by reason of their nearer acquaintance with the business, may give information of divers Circumstances to the rest of the Jury: Be it therefore Enacted, That immediately after the commitment of any person found Criminal by the Grand Inquest, the Sheriff of the County to whose Custody he is committed, shall give notice thereof to the Secretaries Office at *James* City, and the Clerk of that Office shall presently send a *Venire Facias* to the said Sheriff to impannel Six men of the ablest and nearest of the Inhabitants of his County, to that place where the Fact was committed, to be of the Jury for Trial of that Cause, returnable the said Fourth day of the next General Court, where the said Jury-men are bound to appear, and for their Charges, the Countrey shall allow to each Man Twenty pounds of *Tobacco per* day, for each day they may be reasonably coming to, and returning from *James* City, and Fifty pounds of *Tobacco per* day, during their Attendance there about it, (*Viz.*) from the day they are by the Writ to appear, until they be discharged; and that the rest of the Jury be made up of the By-standers.

*Juries to be Chosen, out of the Neighbour-hood.*

*The manner of proceeding by Juries in Cases Criminal.*

*Sheriffs to Impanel Juries.*

*What Allowance Jury-men shall have for their Charges.*

XXV. The

## XXV.

## *The* Governour *and Two of the* Council *to go the Circuit.*

VVHereas the Honourable Governour out of his ſingular care of his due Adminiſtration of Juſtice in all Courts, and that he might be the better enabled to render his Majeſty an exact account of the Government, hath been pleaſed to take upon him and the Council, the pains of Viſiting all the *County Courts* of the Countrey: Be it therefore Enacted, That the Honourable Governour and one of the Council, or upon the urgent Affairs of the Countrey hindering the Governour, that the Governour commiſſionate too of the Council for every River, yearly in *Auguſt*, to ſet Judges in all the County Courts, and there hear and determine all Cauſes then depending in them, by Action or Reference, from any other preceeding Court in that County: Provided no Councellor be appointed to go the Circuit in the River wherein he doth inhabit.

*The* Governour *or Two of the* Council, *whom he ſhall* Commiſſionate, *to go the Circuit yearly.*

## XXVI.

## Appeals *how to be made.*

VVHereas many appeals are made from County Courts to General Courts, and from General Courts to Aſſemblies, whereby the ſpeedy Execution of Juſtice is often retarded, and many perſons diſabled by the Charge of going to *James City* to proſecute, are forced many times to deſiſt from the Claim of their juſt Rights: Be it therefore Enacted, That for the avoiding Delays and for the eaſe of the Inhabitants, all Appeals made in any Court after the General Court in *March*, be referred to the Hearing of the Governour or Itenerary Councils in their Circuit, from whoſe Sentence there, if any perſon will

*Appeals from* County Courts, *how to be made, and to whom.*

 appeal,

appeal, if the Governour be present, shall be made to the next Assembly; if two of the Council, then to the next General Court: from which the said Councellors, during the Trial of such Cause or Causes, in which they had at the *County Courts* given their Opinions, shall be suspended; but because in the Winter time the *General Courts* are more frequent, and all Causes there receive a speedier determination, and because *Tobacco* being only then payable, may be paid in kind: It is Enacted, That all Appeals made from *October*, *December*, and other intervening *County Courts*, be made to the next succeeding General Court, and from thence to the Assembly, and because there may be as great Errors of Judgement or Will in matters of small value as in the greatest: It is further Enacted, That Appeals shall lie open, as aforesaid, for any thing of what value soever: Always provided, That the Appellant put in good Security for Prosecuting the Appeal, and payment of Fifty *per Cent.* Damages to the Defendant, if the Appellant be cast in the Suit for his unjust molestation: Provided also, That no Appeals be made from *Northampton County*, whose remoteness and dangerousness of passage, is such, as is not, for inconsiderable Causes to be attempted under the value limited by former Acts of Assembly, being Three thousand pounds of *Tobacco*, or Thirty pound *Sterling*, any thing in this Act to the contrary notwithstanding: And be it further Enacted, That all Causes of what Value or Nature soever, not touching Life or Member, may be tried at the *County Courts*; and that no Arrest be made to the *General Court* in any Action under the value of Sixteen hundred pound of *Tobacco*, or Sixteen pounds *Sterling*, upon penalty of Five hundred pound of *Tobacco*, to be paid by the Plantiff to the Defendant for his Charges.

Appeals *when they shall be made to the* General Court.

Proviso's *in case of* Appeals.

*In what Cases only* Appeals *are to be made from* Northampton County.

No Appeals *from* County Courts *to the* General Court, *save only in* Cases Criminal.

XXVII. Amer-

## XXVII.

## Americiaments *in the* General Courts *Fifty Pound of Tobacco* per Cause, *in* County Courts *Thirty* per Cause.

Rep. 208- Absolete

WHereas many Suits are raised upon frivolous occasions by Litigous persons, for prevention thereof for the future, be it Enacted and Confirmed, That all persons whatsoever that are cast in any Cause, be they Plantiffs or Defendants, shall be amerced (besides the Damages and Costs to the Recoverers) Fifty pounds of *Tobacco* in *General Courts* to the use of the Publick, and in the County Courts Thirty pounds of *Tobacco* for the maintainance of the Commissioners; for the due Collecting whereof, be it Enacted, That the Clerks of the *General Courts*, and the several *County Courts*, keep an exact Account of the Americiaments, and deliver or send the same to the several Sheriffs of the particular Counties, who are hereby required to collect the same with the Levies; and are accordingly impowered for Default of payment, to make Distress; and commanded not to return any Arrears (Executors and Administrators, who cannot pay without Orders, always excepted.)

Americiaments *in* General *and* County Courts *stated.*

*An Account to be kept of* Americiaments.

Sheriffs *to collect them.*

## XXVIII.

## Subpœna's *to be issued by the* Clerk.

Rep'd

BE it also Enacted, That the Clerk of the General Court shall issue *Subpœna's* from the Secretaries Office for all Evidences required in the Trial of any Cause there depending, if the Witnesses required do not dwell beyond the Bay, or the North side of *James River*; and if they do, that then a *Dedimus Potestatem* shall issue for taking the Deposition in the County or Counties, where the Witnesses

*When the* Clerk *shall issue* Subpœna's, *and when a* Dedimus Potestatem

*Evidence shall be given* viva voce *in* Cases Criminal.

Witnesses do dwell: Provided always, That in Criminal Causes all Witnesses be bound over to give in their Evidences *viva voce* at the Trial in the General Court.

## XXIX.

## Dedimus Poteſtatem *how to issue.*

WHereas many Causes between parties and parties, are lost for want of Evidence, who living so far remote cannot, but at a Charge and Expence far exceeding the value of the Cause, be brought to give it *viva voce*, at the General Court, or at the County Courts, if the party dwell out of the County; or else a greater mischief is introduced, by the partial and illegal Examination of Witnesses in presence of but one party, before some one Commissioner, perhaps too favourably inclined to the party, in whose behalf the Depositions are taken; besides the trouble, expence, and hindrance of the Witnesses themselves, who many times are forced One hundred Miles from the Place of their Residence, for a small allowance, to give Evidence in Trials of petty and inconsiderable values; for remedy whereof, and that all Parties may with more convenience, less trouble and cost, have their Evidences impartially and legally taken: Be it Enacted and Confirmed, That if the Cause to be tried at the General Court, the Governour, if in any County Court, any one of the Council or the Judge of the Court, shall Grant and Sign a Writ of *Dedimus Potestatem*, for Examination of Witnesses, in the Counties where they dwell; directed to Three such Persons as the Plaintiff and Defendant, if they both desire the Writ, shall by consent make choice of and nominate; but if it be the single request of either Plaintiff or Defendant, then the Governour, Councellor, or Judge of the County Court, out of Court time, shall nominate and appoint three or more such indifferent Persons to Examine all such Witnesses, as by the Party desiring the Writ they shall be moved to Summon before them; and to this end the Commissioners thus made choice of, or appointed to execute the Writ, or any two of them, shall by the said Writ be impowered and required to appoint a time and place when and where they will receive

*A* Dedimus Potestatem *in what Cases to be granted, by whom, and to whom it shall be directed.*

the Evidences, and to issue out *Subpœna's* for their Appearances accordingly; and if upon such Summons any of the Witnesses refuse and neglect to come and give in their Evidences, then the Commissioners or any two of them, be further impowered by this Act to lay such a Fine upon them as the Act of Assembly gives in such Cases for Non-appearance of Witnesses at the General or County Courts: Provided always, That the Parties procuring the Writ, shall give the Party concerned against him, notice of the time and place, when and where the Commissioners intend to sit, at least ten days before the day appointed by the said Commissioners for putting it into Execution. And be it further Enacted, That the said Commissioners or any two of them, which take the said Examinations, shall immediately subscribe them, seal them and the Writ up, and return them with the Writ so sealed up, to the Clerk of the General Court, if the writ issue from the Governour, or else to the Clerk of the County Court whence the Warrant issued, by either of the said Clerks to be read at the time of the Tryals of the Cause, in either of the said Courts.

*The* Non-appearance *of Witnesses in case of a* Dedimus Poteſtatem *finable.*

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## XXX.

## Penalties *for Non-appearance of* Evidences.

Be it also Enacted, That the Penalties to be inserted in *Sub-pœna's* to the General Courts for Non-appearance of the Evidences summoned, be One thousand Pounds of Tobacco, and for like Default of the County Courts Three hundred and Fifty Pound of Tobacco, and that all Witnesses summoned to give in their Evidences at either of the said Courts, shall be allowed for their necessary time spent in coming and going to and from the said Courts, Twenty Pounds of Tobacco *per* day; and for the time they attend there until they have given in their Evidences, Forty Pounds of Tobacco *per* day; and because many, maliciously to aggravate the charge of the Suit, summon many more Witnesses then are needful; Be it therefore further Enacted, That there shall not be allowed in any Bill of Costs, the charge of

*Penalty of* Non-appearance *upon* Sub-pœna's.

*Charges allowed to Witnesses.*

*The number of Witnesses limited.*

above Three Witnesses to any one Action, unless for proof of several Matters incident thereunto, which severally may require the attestation of Two Witnesses.

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## XXXI.

## County Courts *Appointed.*

*County Courts their Institution, and how to be formed.*

BE it also Enacted for the more due Administration of Justice in the several Counties, and the greater ease of the People in obtaining the same, the Courts be continued in each County, as of long time hath been accustomed, and that the said Courts do consist of Eight of the most able, honest, and judicious Persons in the County; which Eight, or any Four of them, whereof one to be always of the *Quorum*, are to be impowered by Commission from the Governour for the time being to act, according to the Laws of *England* and of this Countrey, and to impower them severally, and out of Court, to act and do all such things as by the Laws of *England* are to be done by Justices of the Peace there. And be it further Enacted, That the Persons thus Commissionated, take the Oaths of Allegiance and Supremacy, and the Oath of a Justice of Peace, that they be called Justices of Peace, that the Courts be stiled County Courts; and further, That the Justices do keep the said Courts precisely upon the days appointed by this and former Acts of Assembly, (*viz.*)

*Members of County Courts shall take the Oaths of Allegiance and Supremacy, and the Oath of a Justice of Peace.*

*At what places, and when County Courts shall be held.*

| | |
|---|---|
| *Henrico* the 1 day | *Nothampton* the 28 day, |
| *Charles* City the 3 day | *New Kent* the 28 day, |
| *James* City the 6 day | *Gloucester* the 16 day, |
| *Isle* of *Wight* the 9 day | *Lancaster* the |
| *Nanzemond* the 12 day | *Rappahanoch* the |
| *Lower Norfolk* 15 day | *Surry* the |
| *Elizabeth* City the 18 day | *Northumberland* the |
| *Warwick* County the 21 day | *Westmorland* the |
| *York* County the 24 day | |

And

And all Adjournments by all means possible be avoided, and that all the Justices of the said Courts respectively, shall duly attend the same, and shall not depart or absent themselves from thence without the licence and consent of the rest of the Justices there present; and if any of them shall happen to have a lawful Cause of absence, it is thought fit that in such Cases they shall upon the First day of the Court, signify the same to the Court by Writing, and that they make good proof of the Truth thereof at the next ensuing Court, or else being delinquent in the premises, every Justice so offending shall forfeit for every time of his absence Three hundred pounds of *Tobacco*, to be imposed by the Court, and disposed of to the good of the County.

## XXXII.

## *No* Arrest *without Entry of* Action.

BE it also Enacted, That all Actions to the *County Courts* and *Subpœnas* for Witnesses, or in *Chancery*, be first entred with the Clerk of the County, or his known Deputy, before any Arrest made or Summons served, under Penalty of Five hundred pound of *Tobacco*, to be levied upon the Sheriff that shall presume to serve any Process contrary to the Tenor hereof: And be it Enacted, That the Plantiff in any Action, shall at least the day before the Court, enter his Bill of Complaint, and leave it in the Clerks hands, that the Defendant if he will may have a Copy thereof, and accordingly provide his Answer, but the Original Declaration or Bill to be always filed in the Office.

*Actions to be entred before Arrests.*

XXXIII. *The*

## XXXIII.

## *The* Defendant *to put in his Anſwer.*

*Anſwers to Declarations ſhall be filed.*

AND be it further Enacted, That for the better regulating and keeping the Records, and transfering the Preſident to Poſterity, as alſo for prevention of new Suits upon miſtake of the grounds of others, that as the Plantiff, both in *General Courts* and *County Courts*, files his Declaration, ſo the Defendant in both thoſe Courts ſhall alſo put in his Anſwer in writing, and that the Judgement, if for the Plantiff, be endorſed on the Declaration, if for the Defendant on the Anſwer; and further, That all Evidences concerning that Cauſe, be filed together with them, and by the Clerk carefully preſerved.

## XXXIV.

## *Form of Entring the* Court.

*Form of Entry in* County Courts.

BE it alſo Enacted, That the Form for Entring the Stile of the Court, Proclamation for Silence, the Cryers calling the Plantiff and the Defendant to Anſwer, be obſerved in the County Courts, as well as in the General Courts, varying only in the Title of the Court and the Aſſeſſors.

## XXXV.

## Court *not to take* Cognizance *of any thing under Two hundred Pounds of* Tobacco.

AND be it alſo Enacted, That the Court ſhall not take Cognizance of any Cauſe under the value of Two hundred pounds of *Tobacco*, or Twenty Shillings *Sterling*, which a private Juſtice may, and is hereby authorized

thorized and impovvered to hear and determine. And whereas many Vexatious persons do very much trouble the Courts and their Neighbours for babbling words, sometimes passionately but not maliciously spoken, Be it therefore Enacted, That no Action be admitted for Defamation in any Court, where the words are not Actionable; and further, that there be no words Actionable, but such as if true, might have brought the person to suffer Punishment by Law; any other to be cast out of the Court, and the Plantiff to be Non-suited: not that liberty is hereby given or intended to any scurrilous person to abuse others at his pleasure, but that his Majesties Courts be not for such Brawls forced to wave matters of greater consequence: and because offences of this Nature may be determined by a particular Justice, who is hereby impowered to bind the persons so offending to the good Behaviour, or if they find not good security for the same, to commit them to Prison till they find it.

*Of what things Courts shall take Cognizance.*

*What Defamations are actionable.*

## XXXVI.

## Private Courts *Prohibited.*

WHereas many things are acted, and Administrations granted at private Courts, which tends to the apparent Damage of divers of the Inhabitants of this Country, Be it therefore Enacted, That no private Courts be kept, but that all business triable or grantable, by or at the County Courts, be tried and granted in open Court at the times and places by Law appointed: Provided always, That it shall and may be lawful for the dispatch of Merchants and other Sea affairs, which cannot without much prejudice and detriment to the said Merchants or Masters, be deferred till the Courts in course should come, it is Enacted, That it shall be lawful for any Justice of the *Quorum*, by his Warrant directed to the Sheriff, to call a particular Court, and to summon any person or persons before them.

Private Courts *prohibited.*

*A* Proviso *made.*

## XXXVII.

# Trials *by* Juries.

WHereas the Seventieth Act made in 1642, and continued, by the Ninety first Act 1657, seems to restrain both Plantiff and Defendant from trial by Juries, unless the Plantiff in his Declaration, or the Defendant upon entry of his Appearance, do desire the same; which restriction is quite contrary to the Law of *England*; by which, the trial of all matters of Fact is as appropriate and inherent in the Jury as matter of Law is in the Judges; for which causes, and that we may in all our Trials come as near as may be to the Laws of *England*, by which we are to be governed, as our present Capacities will admit, Be it Enacted, That every morning the Court sits, whether the General or County Courts, the Sheriff of the County in which it sits, shall impannel a Jury to attend the Court that day, to try such Causes as the Court shall find proper to be referred to them; and that when ever a Jury is sent out, an Officer sworn to that purpose shall keep them from Meat and Drink, until they have agreed on their Verdict.

Juries *appointed as well in* County Courts *as in the* General Courts.

## XXXVIII.

# Grand Juries *to present* Offenders.

WHereas the several Laws instituted and made for the redress of several Misdemeanors and Offences, either through the remisness of the County Courts, or the Justices that keep the same, or else through the Defect of the Laws, in not appointing some peculiar Officers to look narrowly after the Offenders, and to make presentment thereof to the said Justices at their County Courts; by which means the Laws themselves are slighted and contemned and become wholely useless and ineffectual: Be it therefore Enacted and Confirmed, That Juries of Inquest be Impanneled and Sworn in every County, to enquire of breach of all

all Penal Laws in their ſeveral Counties, and that they make Preſentment thereof to the General County Courts twice yearly (*Viz.*) in *April* Court and *December* Court, when the Juſtices are to receive them, and find them according to Law, and to take for Evidence the Preſentment of the Jury, if made upon the certain knowledge of any of them; or otherwiſe the Parties that inform the Jury to give their Evidence to the next Juſtice, in preſence of the Party preſented; which Depoſition being produced by the Jury with their Preſentment, ſhall be ſufficient ground for the Court to paſs Judgment againſt the Offenders.

Grand Juries *ſhall in each* County *twice a year make* Preſentments.

## XXXIX.

## Pillories *to be Erected at each* Court.

WHereas many Offences are puniſhable by the Laws of *England* and of this Countrey with Corporal Puniſhments, for executing whereof no ſuch Proviſion hath been made as the ſaid Laws require: Be it therefore Enacted, That in every County, the Court cauſe to be ſet up a Pillory, a pair of Stocks, and a Whipping-Poſt near the Court Houſe, and a Ducking-Stool, in ſuch place as they ſhall think convenient; that ſuch Offenders as by the Laws are to ſuffer by any of them, may be puniſhed according to their Demerits; and the Court not cauſing the ſaid Pillory, Whipping-Poſt, Stocks and Ducking-ſtool, to be erected within Six Months after the Date of this Act, ſhall be fined Five thouſand pounds of *Tobacco* to the uſe of the Publick.

*A* Pillory, *a* Whipping Poſt, *and a* Pair *of* Stocks *&c. to be ſet up in every* County.

## X L.

## Fines *to be diſpoſed of by the* Aſſembly.

WHereas divers Treſpaſſes againſt the Publick, are puniſhable by Fines, which are by the preſent Law to be diſpoſed of to the uſe of the Counties in which the Treſpaſs is committed, and yet nothing done for the good of any County, as was intended; whereby

whereby it may be preſumed that the ſaid Fines are either not gathered, whereby the Treſpaſſers by this lenity and impunity are encouraged to perſiſt in their contempts of the Laws, or elſe the ſaid Fines are by ſome evil Common-Wealths-men perverted to their private uſes; for prevention whereof for the future, Be it Enacted, That the Courts ſhall only lay and collect the Fines, and that they cauſe the Clerk of their reſpective Courts to keep an Account thereof, and to return the Eſtreatments to the Clerk of the Aſſembly at *James City*, by the third of the General Court held there in *March* yearly.

*Courts only ſhall impoſe and collect* Fines.

And it is further Enacted, That the ſaid *Clerk* of the Aſſembly do annually attend accordingly, during the time, at the place aforeſaid, to receive them, and at the next Aſſembly to preſent them to the Burgeſſes, who are to order the diſpoſal of the ſaid Fines, as to them ſhall ſeem moſt neceſſary for the good and benefit of the ſeveral reſpective Counties wherein they accrued due; always proportioning to every County the uſe of all the Fines which were levied therein.

## XLI.

## Superſedeas *by whom, and how grantable.*

WHereas the Writ of *Superſedeas*, hath of late been too frequently granted upon ſlight pretences of Error in the Court, thereby not only injuriouſly delaying Juſtice, and keeping Men from their juſt Dues, but alſo bringing Calumnies and Aſperſions upon the Courts themſelves; Be it therefore Enacted, That no *Superſedeas* whatſoever ſhall hereafter be granted, but by the Governour and two of the Council, nor by them, unleſs the party deſiring it, make it probably appear to them that there is Error in the Judgment, and ſhall then alſo give good Security to make good his Plea; and if he be caſt at the next General Court, to pay the Principal with Five and Twenty *per Cent.* Damages, beſides Coſts.

No Superſedeas *ſhall be granted but by the* Governour, *and two of the* Council.

XLII. Priſons

## XLII.

## Prisons *to be built in each* County.

Repealed

WHereas the first Act of the Assembly held at *James* City the 3d of *November* 1647, and continued by the Assembly held there the third of *March* 1657, for prevention of Escapes for Prisoners; hath Enacted, That sufficient Prisons should be built in each County, and that an House built after the form of a *Virginia* House, (our Abilities not extending to build stronger) should be accounted a sufficient Prison, and that any person being a Prisoner for Debt or Crime: And breaking one of those Prisons, should be proceeded against as a Felon, and that neither Court, Commissioner, nor Sheriff, should be answerable for such escape, and whereas the Sixty first Act of the Assembly, held at *James* City, the said Thirteenth of *March* 1657, makes the several Counties not building such Prisons liable to the Sheriff for the escape of any person committed to his Custody; which Acts, have for want of a Penalty, never been put into Execution; for want whereof Felons may escape, and Debtors for want of due restraint delay always and defraud oftentimes, the Creditor of his just Dues, and by means thereof the Law it self made wholly void; which intended principally that all Men should by that restraint have been forced to make a speedier satisfaction: For remedy whereof, be it hereby Enacted, That according to the said Acts, a good strong Prison after the form of *Virginia* Houses, be builded within Eight Months after the date of this Act, by the Court, at the charge of the County, upon Penalty of being fined Five thousand pounds of *Tobacco*, and be answerable for Escapes as aforesaid; and the person breaking Prison, shall according to the said Act of the third of *November* 1647, be adjudged a Felon; and that no person under Execution for Debt, or imprisoned for Felony, shall have the benefit of the Rules; and all other persons having the benefit of the Rules, shall be secured and lie in Prison every night, at the Peril of the Sherriff.

*A Prison to be built at the charge of the County.*

*Breaking of Prison shall be adjudged Felony.*

*Who shall have the benefit of the Rules.*

## XLIII.

## Dwellers *within the* Rules *of any* Prison, *not to have any benefit thereof.*

Expired. Repealed.

*Such as dwell within the Rules shall not enjoy the benefit of them.*

AND be it Enacted, That if the Sheriff shall permit any person dwelling within the Rules of any Prison, that is by Warrant or Order of Law committed to Prison, to walk abroad out of Prison, though with a Keeper, and to have the benefit of the Rules, or to lodge in his own House; the said Sheriff, upon Proof thereof made at the County Court by the Plantiff, shall be ordered to pay the Debt, as in case of Escapes.

## XLIV.

## Sheriff *to be chosen in the* Commission.

*One of the Commissioners of each County shall be chosen Sheriff there.*

*Sheriffs shall hold their Office a whole year and no longer.*

*The Under Sheriff.*

FOrasmuch as the Comissioners of the County Courts, are by the Laws of this Country answerable for the Levies and Estreatments of each County, of which the Sheriff is usually the Collector, be it therefore Enacted, That none but one of the Commissioners of each County, shall be Sheriff for that County: And further, That the Commissioners shall exercise the Office of Sheriff successively, as they hold their places in Commission, every one a whole year and no longer: Provided, That every such Commissioner, before he be admitted to take his Oath, give in good Security for the due Execution of his Office, and Performance of the Trust committed to him, and then his Oath be administred to him. And be it further Enacted, That no Under Sheriff shall execute the Office of Under Sheriff in the same County above one Year; Provided always, That the Sheriffs of *James City*, who are more immediate Officers than any other, to the General Courts and the Publick, shall be left to the Governours free Choice: And further, That if the Governour see cause, for the better promoting any of his Majesties special Services, it shall be left to his discretion to pass by any Person in any other Commission, and to give the Place to those in the Commission he shall think most meet to supply the

the exigent of the preſent Occaſions, but becauſe the Laws as well of *England* as of this *Countrey*, prohibit the Executing the Office of Sheriff by any Perſon two years together, the Governour is earneſtly deſired by the Aſſembly in any of his Elections not to infringe thoſe Laws.

## XLV.

## Sheriffs *not making Return.*

VVHereas the Sheriffs, often through neglect, often for favour to the Debtors, omit the ſerving the Proceſs to them directed, and making Returns thereof according to Law; by means whereof the Courts are prolonged, Juſtice is delayed, and the Parties by their attendance and expences very much endamaged: Be it therefore Enacted, That every Sheriff failing to make ſufficient Return; (that is, That the Writ is executed, and the Name of the Bail taken of any Warrant to him directed three days at leaſt before the day of the Return of the Writ in the General Court, and two days before the County Courts) ſhall be amerced One thouſand Pounds of Tobacco, one half to the Plaintiff, if he ſue for it, and the other half to the County: Provided, That the ſaid Plaintiff prove the delivery of the Warrant to the Sheriff.

*Sheriffs not making timely Returns, fined 1000 l. of Tobacco.*

## XLVI.

## Sheriffs *to take Bail.*

BE it alſo Enacted, That all Sheriffs ſhall take ſufficient Bail of Perſons arreſted, and perform the Award of the Court, and if the Sheriffs ſhall neglect to take ſufficient Bail of the Party arreſted, or otherwiſe conſent to be the cauſe of his eſcape, then the ſaid Sheriff ſhall be liable to pay the Award of the Court himſelf; and ſhall alſo pay, in caſe the conſent to the eſcape be proved, One thouſand Pounds of Tobacco, one half to the Publick, the other half to the Party grieved, for his delay in recovering the Debt; but if Bail be taken, and the Party appear not to anſwer the Suit, then Judgment ſhall be awarded againſt the Bail: Al-

Sheriffs *ſhall take ſufficient Bail in* Arreſts.

ways

ways provided, That the Sheriff or Bail, shall if they desire it, have an Attachment against the Estate of the Party arrested and not appearing: And further, That if the Sheriff or Bail, shall the next Court after that to which the Arrest was made, bring forth the Body of the Party so arrested, to answer the Suit, then the Sheriff or Bail shall be acquitted for the Judgment passed against them.

## XLVII.

## Non est Inventus.

*The Method of Proceedings relating to a* Non est Inventus.

BE it also Enacted, That if any Sheriff shall return a *Non est Inventus*, upon which an Atachment by a former Act hath been usually granted, when perhaps neither the Sheriff nor his Officer, have been at the house of the Defendants, to the great damage and disparagement of the said Defendant by having his Goods attached: Be it therefore Enacted, That henceforth the Sheriff, or his Officer, shall declare upon one of their Oaths, that he hath been at the house of the Defendants, and hath there left a Copy of his Writ, before his return of *Non est inventus* be admitted; and if he shall refuse to make such Oath, then Order to pass against him, according to the Act for Non-Returns: but if the Return be proved and allowed in Court, then after thrice summoning the Defendant by Proclamation in Court, an Attachment shall issue against his Estate, returnable the Court following; where if the Defendant appear not to replevin the Attachment, Judgment shall be granted to the Plaintiff for his Debt; being made evidently appear to the Court that it is justly due to him.

## XLVIII.

## *Apprisement of Goods.*

BE it Enacted for the equal Aprisement of Goods seized by Execution, That the Plaintiff and Defendant shall choose each of them two indifferent Men for that purpose, and in case of disagreement, the said four or three of them shall chuse an Umpire, which Umpire so chosen, shall be

be ſworn by the next Commiſſioner to apprize ſuch Goods indifferently, and his Umpirage to be final: And be it further Enacted, That if Plaintiff or Defendant ſhall neglect to appoint Apprizes within three days after Execution is ſerved, notice being given them by the Sheriff, to whom the Execution was directed, that then the Sheriff in ſuch caſe of neglect, ſhall chuſe and appoint Apprizers either for the Plaintiff or Defendant, for apprizing the Goods by him ſeized upon Execution, as aforeſaid: And be it further Enacted, That before ſuch Aprizement, the Sheriff ſhall not remove the Goods out of the Poſſeſſion of the Plaintiff, and the ſurpluſage, if any be, returned to him; but after Apprizement made, as aforeſaid, the property to veſt in the Sheriff for the uſe of the Creditor, to whom the Sheriff ſhall give notice that he may take them into his own poſſeſſion: And becauſe there can be no Averment againſt a Record, it is further Eenacted, That the Sheriff make return of the Execution to that Clerk of the County that granted it, by him to be entered upon Record under the Order it was iſſued upon; that ſo the Satisfaction as well as the Judgment, may be authentickly proved, if occaſion require.

*Goods ſeized, by whom they ſhall be appraized.*

*Goods ſhall remain in the Plaintiffs poſſeſſion till after Appraiſement.*

Whereas the Act for the relief of poor Priſoners, hath, contrary to the intent thereof, been extended to Men of all Capacities, and by that means an inconſiderable part of their Eſtates, or at leaſt unprofitable to him whoſe dependance is Tobacco, according to his agreement forced for ſatisfaction: Be it therefore Enacted, That henceforth every Debtor under Execution for Debt ſhall be detained in Priſon until he hath paid the Debt in kind; but that real poor Men, laid under Execution for a Debt under One thouſand Pounds of *Tobacco*, ſhall ſtill have liberty by part of their Eſtate by ſome Juſtice of the County indifferently aſſigned, and by Apprizers ſummoned by the Sheriff, and ſworn equally to apprize the ſaid Eſtate, ſhall make Payment thereof to their Creditor; and redeem their Perſons.

*What perſons ſhall have the benefit of the Act, made for relief of poor priſoners.*

## XLIX.

## *No* Commissioner, Clerk, *or* Sheriff, *to be* Attorneys *in the* Court *where they officiate.*

*No* Commissioner, Clerk, *or* Sheriff, *shall be* Attorney *in that* Court *wherein he officiates.*

BE it Enacted, That neither Sheriff, Commissioner, Under-Sheriff, or Clerk of any Court within this Colony, shall be permitted to plead as an Attorney, in any persons behalf in the Court wherein he officiates, and the said Commissioner, Sheriff, Under-Sheriff, or Clerk offending herein, shall for every Default be fined One thousand Pounds of *Tobacco*, to the use of the *County*: Provided always, That if any poor person, not able to plead his own *Cause*, shall request the *Court* to assign him one of the *Commissioners* to plead for him; it shall be lawful for the *Court* to grant it, and for the *Commissioner* to plead accordingly; but the *Councellor*, *Commissioner*, &c. so pleading the poor mans *Cause*, not to give Judgement therein: Provided also, That any *Commissioner*, *Sheriff*, *Under-Sheriff*, or *Clerk*, acting as General Attorney for any persons, absent out of the Countrey or County, and negotiating their Affairs, and so liable to be sued for their Imployers; such persons, notwithstanding this Act, shall have liberty also to Plead and Prosecute in any *Cause* that shall any way concern their said Imployers.

*The* Court *may notwithstanding permit a* Commissioner *to plead a poor mans cause.*

## L.

## *Publication of* Writs *for Election of* Burgesses.

WHereas frequent *Complaints* are made by the People, that they have no notice of the time appointed for the Election of Burgesses; and by that means are deprived of giving their Voices in the Election of their own representatives; Be it Enacted henceforward, That the Sheriffs of the respective *Counties*, shall upon the Receipt of the Writs, cause *Copies* thereof, with the day appointed, for the Election endorsed, to be sent to the Minister or Reader of every Parish in their County; who is

*Writs for Election of Burgesses shall be read publickly in Churches.*

to

to read the same to the People two Sundays successively, both in the Church and Chappel of Ease to it belonging; to the end that no person may pretend Ignorance; and return the same to the Sheriff with his attestation subscribed, that he hath published the same according to the tenor of this Act; which Attestation shall be sufficient to discharge the Sheriff from blame: but if the Sheriff neglect to send Copies, as aforesaid, then to be fined Two thousand Pounds of *Tobacco*, to the use of the County; and every Freeman, after such Publication made, neglecting to come and give his Vote at the day appointed for Election, shall be amerced Two hundred pounds of *Tobacco* to the use of the County: And be it further Enacted, That if the Sheriff shall not before the day of the Return, make his due return of the Writ, with the names of the Burgesses endorsed into the Secretaries Office at *James* City, the said Sheriff so neglecting, shall be Fined Two thousand pounds of *Tobacco* to the *Publick*.

*Freemen neglecting to give their Votes at Elections of Burgesses shall be fined 200 l. of Tobacco.*

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## LI.

## Publick Levies *to be first paid.*

Be it also Enacted, That no Sheriff shall, where he receives *Tobacco* of any Person indebted for his Levies, and also for Fees, and other debts due to himself or any other Officers, and not paying the whole in kind; by which means for part thereof distress must be made, shall presume to convert the *Tobacco* in kind to his own or any other use; and force the Countrey Creditor to accept of the Distress, or stay for his Debt, but that all Debts due to the Publick be first paid, and the *Tobacco* in kind paid to the Creditor of the publick, whose reputation is by these *Evasions* often vilified; and that the Sheriff making Default herein, shall be fined Ten thousand pounds of *Tobacco* to the use of the publick, upon proof thereof made in any Court of Record in this Countrey.

*Debts due to the publick shall be first paid.*

LII. *The*

## LII.

## The Sheriff, *upon the instance of the* Treasurer *or his* Deputy, *to collect the* Quit Rents.

Quit Rents *shall be collected by the* Sheriff, *and shall be paid in Tobacco or Money.*

AND be it further Enacted, That the Sheriff being his Majesties immediate Officer, shall upon the instance of his Majesties Treasurer, or his Deputy here, be compelled to receive all such Quit Rents as the said Treasurer, or his Deputy, shall give him order to receive in his County; and that the said Quit-Rents be paid as the Levies, in the direct specie of *Tobacco* or Money: And that no particular Fees or Debts be preferred before them, under like penalty as for the payment of other Debts before the Levies.

## LIII.

## *List of Tythables how to be taken.*

WHereas the fraud of Sheriffs, in bringing in the List of the Tythables, hath very much augmented the Taxes of the Countrey: Be it Enacted, That for the better discovery of the Number of Tythables, each County shall be divided into several Precincts; in each of which a *Commissioner* shall be by the *Court* appointed to take a List of the Tythables, to be brought or sent in under the hand of the Master of every Family, of the names and number of Tythables he hath in his Family; and if he bring in a false List, the said Master shall pay treble Duties; for every person so by him concealed: And be it further Enacted, That the said *Commissioner* give publick notice in Writing, to be read and set up at the door of the Church or Chappel of Ease, of the Precincts he is to take Account of, and of the day he will receive them: Provided the day be before the Tenth of *June* at farthest.

*Each County to be divided into several Precincts, for the more exact discovery of Tythables.*

*Treble Duties shall be paid for every Tythable person concealed.*

thest, at which time every person neglecting to bring in his List as aforesaid, shall be adjudged a concealer, and pay accordingly; and every *Commissioner* failing in giving notice, neglecting to take the List, conniving at others concealment, or not giving a true List of his own Tythables, shall also pay treble Duties as aforesaid: And be it further Enacted, That every Commissioner in *August* Court following, shall deliver the Accompts so taken by him, and the Subscriptions of the several Masters of Families, to the Clerk of the County Court, who shall return an exact List of the Families to the Clerk of the Assembly, the first or second day of every *September* General Court.

## LIV.

## *What Persons are Tythable.*

WHereas several disputes have been made of what persons were Tythable, It is hereby Enacted and Declared, That all Male persons of what Age soever, imported into this Countrey, shall be brought into the List, and be liable to the Payment of all Taxes; and all *Negroes* Male or Famale, being imported, shall be accompted Tythable; and all *Indian* servants Male or Famale, however procured, being adjudged Sixteen years of Age, shall be likewise Tythable; from which none shall be exempted but such Christians only as are either Natives of this Countrey, or are imported Free by their Parents or others; who shall not be lyable to the payment of Levies, until they be Sixteen years of Age, or such others, as by particular Acts of Assembly are exempted.

*Who shall be liable to the payment of* Taxes.

*What Persons are exempted.*

## LV.

## *Councellors and Ten Persons to be exempt-ed out of the Levy.*

*Councellors of State, and Ten Persons of their Family, exempted from all publick Charges and Taxes.*

BE it Enacted, That each Councellor of State for th Countrey, shall be freely exempted from all pu lick Charges and Taxes for themselves and Ten their Family, the Ministers and Church-Duties excepte and further, That all Ministers officiating in any Cure this Countrey, shall for their attendance on the Gener Courts and Assemblies, be exempted themselves, and S of their Family, from paying any publick Taxes: a further, That all persons that come into this Countrey, at t last coming in of Sir *Thomas Yates*, shall have their ow persons exempted from paying of any publick Taxes, Chur Duties excepted; and also from their personal Service in t Wars.

*Some others also exempted.*

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## LVI.

## Artificers *not planting* Tobacco, *free from payment of the* Levy.

*Artificers or Handy-crafts men, who plant no* Tobacco, *are freed from the payment of* Levies *for Three Years.*

AND whereas all Persons, Artificers and others, a forced to neglect their Trades, and to plant *To bacco*, meerly for the payment of their Levies Be it Enacted, That what Artificer or Handycrafts-man soeve will imploy himself and Servants only about their Trades and not plant any *Tobacco* at all; every such Artificer a Handycrafts-man so following his Trade and not Plantin *Tobacco*, either by himself or servants, shall for his En couragment be exempted from paying any Levies, eithe for himself or servants, for the Term of Three years, e cept it be for the Ministers Dues and Church Duties Provided always, That if any person claiming the bene of this Act, shall directly or indirectly, at home or abroad plant or tend, or cause to be planted or tended any *Tobacc* con

*Such Persons if they shall plant* Tobacco *contrary to the* Tenor *of this* Act, *shall pay double* Levies.

contrary to the intent of this Act, or hire out his Servant or Servants to others to plant or tend *Tobacco*, he ſhall be cenſured to pay double Levies for himſelf and all his Tythables, to the uſe of the County.

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## LVII.

## Councellors *to raiſe a* Levy.

WHereas the neceſſary Charge of the Country doth enforce the raiſing of an Annual Levy, which being commonly done by an Aſſembly, the charge of which doth moſt times equal, if not exceed, all other Taxes of the Country; Be it therefore Enacted, That the Governour and Council in *September* 1662, ſhall have power to raiſe and proportion a Levy to defray the Country Debts and Salaries allowed by the Aſſembly, and ſuch other Debts alſo as they ſhall find juſtly and neceſſarily due, according to the number of Tythables: Provided, the whole amount not to more then Twenty pounds of *Tobacco* per pole. And this Act to continue for three years, unleſs ſome urgent occaſion preſent in the mean time of calling an Aſſembly, and that the Levy may be truly proportoned: Be it Enacted further, That every Clerk of a County Court tranſmit the Certificate of the number of Tythables in his County, to the Secretarys Office, in every *September* Court.

*The Governour and Council, ſhall have power to raiſe and proportion a* Levy *for defraying the Country Debts and Salaries.*

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## LVIII.

## No Arreſts *to be made on the* Sabbath-days.

WHereas it hath been the frequent practice of Sheriffs and their Officers, for their own eaſe and benefit, to repair to the Churches and other places of Publick Meetings, on purpoſe to ſerve Warrants and Executions and other Writs; by which means Men in danger of Arreſts, have been deterred from the Ser-

vice

vice of God and the King: Be it Enacted, That no Sheriff nor his Officer, shall from henceforth execute any Writ or Warrant upon any person or persons, either upon the Sabbath-day, or upon the day of Humiliation for the Death of the late King of ever blessed Memmory, or upon the days appointed for Thanksgiving for his Majesties happy Inauguration, and for the Deliverances of this Country from the too bloody Massacres, nor at the times of General Musters or Election of Burgesses. Provided always, That it shall and may be lawful for the Sheriff or any other Officer, to apprehend and carry to Prison any person or persons for Riots, Felony, or Suspicion of Felony, or escape out of Prison, when under Execution, upon any day, at any place, any thing in this Act to the contrary notwithstanding.

*No Arrests shall be made on* Sundays, *nor on the* 30*th of* January, *or* 29*th of* May, *&c.*

Prison-breakers, Felons, *or Persons under suspicion of* Felony, *or guilty of a* Riot, *excepted.*

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## LIX.

## Reward *for killing of* Wolves.

Whereas great Complaint is made of the frequent and many Injuries done by Wolves to the Cattle and Hogs of several Inhabitants of this Country; It is therefore Enacted, for the Encouragment of those that will make it their business to kill and destroy them, that they shall be paid by the County in which they are killed; for every Woolf destroyed by Pit, Trap, or otherwise Two hundred pounds of *Tobacco:* Provided, he make Proof before the next Commissioner how the Woolf was killed, and bring in his head, and take from the said Commissioner a Certificate thereof; which being produced to the Court, when they are proportioning the Levy, shall be sufficient to have the said Reward raised upon the County, and to be paid to such persons as it is justly due.

*The* Reward *for killing of* Wolves, *what, to be paid by the* County.

LX. *Com-*

## LX.

## Commissioners *to take Security of* Sheriffs.

BE it also Enacted, That the Commissioners of every County, shall be answerable to the *Publick*, for all Levies laid upon their County by Act of Assembly, and for the Sheriffs performance of his place; and in regard thereof, are hereby Impowered before the admission of any Sheriff into his office, to take such Security of him as they shall think fit and sufficient to save themselves harmless, for the receiving and discharging all Publick Duties; whether Quit-Rents, Levies, or Officers Fees, committed to his Charge or Collection, and for the due performance of his Office. *Provided*, That no Commissioner shall be lyable, but such as were of the Commission when the defect was made.

*The Sheriff shall give security to the* County Commissioners, *for the faithful discharge of his* Office.

## LXI.

## Judgment *before* Commissioners.

BE it Enacted, That the voluntary Confession and Acknowledgment of a Debt by the Debtor, under his Hand and Seal before two *Commissioners*, of which one of the *Quorum*, shall be accounted in *Law* in the nature of a *Judgment*, the said *Commissioners* attesting the same under their Hands, and so certifying it to the *Clerk* of the *County Court* to enter it upon *Record*; upon which Writing so Acknowledged, Attested, and Recorded, *Execution* shall issue in case the *Debt* be not paid, as if *Judgment* had been granted for the same in open *Court*: Provided, That if no *Execution* issue within a Year after such acknowledgment, then a *Scire Facias* shall issue before any *Writ* of *Execution* shall issue forth.

*Acknowledgment of a Debt before* Two Commissioners, *shall be accounted in the nature of a Judgment*, and Execution *shall issue in case of Nonpayment.*

N LXII. *Per-*

## LXII.

## *Persons removing into the* Bay.

Revised

FOR avoiding of Creditors charges and troubles in recovering their *Debts*, by reason of divers Persons removing themselves from the Places where they contracted their *Debts*, into remote *counties*; Be it Enacted, That no Person whatsoever, shall remove out of the *County* where he dwells, unless he first set up his Name at the Door of the *Parish Church* or *Chappel* where he dwells three Sundays together, and in the same express his intent of leaving the *County*, and certifie the Place he is about to remove to, and take Certificate thereof from the *Minister* or *Reader* of the said *Church* or *Chappel*, and the *Church-wardens* of the *Parish*, to the *Clerk* of the *County Court*, who shall grant him thereupon a Licence to depart: Provided always, That if the said Person so removing pay not his *Debts* contracted before his removing, according to the tenor of the specialties by which they are due; it shall be lawful for any of his *Creditors* by a Warrant from the *Secretaries Office*, to bring the *Debtor* personally before the *Governour* or any of the *Council*, for what value soever the *Debt* be of, and there put in sufficient security for performance of his Obligation according to the tenor thereof, in case the day of payment be not past (any restriction in any other Act to the contrary notwithstanding) and then to take out Execution against his Body or Estate for satisfaction of the said Debt.

*No Person shall remove out of the* County *where he dwells, without setting up his* Name *on the* Church *or* Chappel *door, three Sundays, with his intent to remove, and whither.*

And be it further Enacted, That if any Person or Persons, shall before or after Certificate obtained as aforesaid, remove or transport any Cattle out of the *County* he dwelled in, without notice given to Four of the nearest Inhabitants, who are hereby required to take special notice of the Ear-Mark, and Colour of the Cattle to be removed, and make a List of them and their Marks, and carry the same subscribed by the said Viewers, to the *Clerk* of the *County Court* to be Recorded, he shall upon lawful Conviction, forfeit for every Beast transported contrary to the tenor of this Act, One thousand Pounds of *Tobacco*, one half to the Publick, and the other half to him that shall make the complaint against the Party so offending: And if any Merchant, Mariner, or any other Person whatsoever, shall transport any Person or Persons out

*Cattle shall not be removed out of the* County *without notice first given to Four of the* Neighbourhood.

*No* Merchant *or* Mariner *shall transport any person out of the Countrey without* Certificate.

of

of his *County*, without Certificate as aforesaid, the said Merchant, Mariner, or other Person, so offending, shall be liable to the payment of all the *Debts* and *Engagements* of the Party transported, being due at the time of his removal.

## LXIII.

## English VVeights and Measures.

WHereas daily Experience sheweth that much fraud and deceit is practised in this Collony by false Weights and Measures, for prevention thereof, Be it Enacted, That no Inhabitant nor Trader hither, shall buy or sell, or otherwise make use of in Trading, any other Weights or Measures than are used and made according to the Statute of in that case provided; and for discovery of abuses, Be it further Enacted, That the Commissioners of every County, do provide at the charge of the County, sealed Weights, of *Half hundreds*, *Quarterns*, *Half Quarterns*, *Seven Pounds*, *Four Pounds*, *Two Pounds*, *One Pound*, Measures of *Ell* and *Yard*, of *Bushel*, *Half Bushel*, *Peck*, and *Gallon*, of *Winchester Measure*, *Gallon*, *Pottle*, *Quart*, *Pint*, of *Wine Measure* out of *England*; and that the said *Weights* and *Measures* be kept by the first of every Commission at his house, and with them a burnt Mark of and a Stamp for Leaden Weights, and Pewter Pots, whither all Persons not using Weights and Measures brought out of *England* and sealed there, shall bring all their Barrels (which are to contain *Five Bushels*) and other Measures, to be sealed, and their Stilhars to be tried; and all Persons selling by other Weights or Measures not sealed and tried as aforesaid, shall forfeit One thousand Pounds of Tobacco, one half to the Publick, the other half to the Party that shall make his complaint; and if the Commissioners shall make default of producing such Weights, Measures, Scales, and Stamps, as by this Act they are enjoyned by the first of *December* 1663, the said Commissioners shall be fined Five thousand pounds of Tobacco to the use of the Publick.

English Weights *and* Measures *shall be used in this* Collony.

*Every County shall be provided with* Weights *and* Measures *from* England.

LXIV. Coun-

## LXIV.

## County Courts *to grant* Probates *and* Administrations.

Probates *of* Wills *and* Administrations *upon the Estates of persons dying Intestate, may be granted by the* County Courts.

BE it Enacted, That the County Courts shall be impowered to grant Probates of Wills, and Administrations upon the Estates of persons dying intestate, to take Security and receive the Inventories of the said Estates: Provided, That the Clerk of the County Court, when he sends or carries the said Probates, or Commissions of Administrations to be signed, do then also certifie into the Secretaries Office the name of the Testator or the party deceased, the Executors or Administrators, and their Security; the County and Parish where they dwell, and the Court wherein the Administration is granted, to the end that strangers and others Creditors, invested in the Estate, may be the better enabled to find out the Records, in which the account of the Estate is entred; and be informed how they may come to their just dues.

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## LXV.

## Administrations *to whom to be granted.*

*No* Administration *shall be granted, till Nine Months after the parties decease; except to the Widow or Child.*

WHereas Commission of Administration are suddenly obtained, and the Estate as suddenly disposed of, under the pretence of greatest Creditor, or next of Kin; whereby oftentimes they that really are so, are the one defrauded of his just Debt, and the other debarred of his Right and Interest, before either can have notice of the parties Decase: Be it therefore Enacted, That no Administration be granted, until Nine Months after the parties Decease; except to the Widow or Child, and then to be immediately granted; the said Widow or Child bringing in sufficient Security for performing all things the Law requires, and saving the Court harmless: And be it further Enacted, That in case the said Widow or Child do Administer, the Estate shall be inventoried, and Apprizement made by four Men appointed

pointed by the Court, and sworn by a Justice of that Court as formerly; which Inventory and Apprizement shall by the said Widow or Child, be brought into the next Court held in that County, unless the Court for Reasons shewed them, may think fit to grant Liberty to bring it in the Court; but in Case the Decedent die without Widow or Child, Then it is Enacted, That the Estate for the better Improvement thereof, be sold by the Court at an Out-cry, and the Purchasers all puting in Security and acknowledging Judgments for their Debts; which by the Court shall be Assigned to the several Creditors of the Decedent, and paid according to the priority in Law, and the surplusage remaining (if any) to be delivered to the next Kinsman of the Decedent, if he appears; or if none prove himself such within three years, then the Court to give an account of the said Surplusage to the Assembly, who are to dispose of the same to the use of the County, allowing to the Court, or whom they intrust for the managing of it, for his reasonable costs and pains. And when the Widow, or Child, administers (the surplusage after Debts paid, and the Funeral charge, according to the quality of the person, allowed for) shall be equally divided between the Widow and Children, (*viz.*) one full Third of the Personal Estate to the Widow, and the other Two Thirds among the Children, if any of which die before it come to Age, his Proportion to be divided among the surviving Children. And whereas it hath been the frequent evil practice of Administrators, as soon as they have obtained an Order to administer, to act as Administrators by Virtue of that Order, without giving security, or taking out their Commissions, so that the Estate being imbezelled away, no accouut can be given thereof: Be it therefore Enacted, That whoever pretends to administer upon any Estate, shall bring to the Court sufficient security before the Order shall be granted; and an Order thus obtained legally, by giving such security, to be truly accountable to bring in a true Inventory, and to perform such things as the Administrators by Law are enjoyned, shall not at any time after be reversed, unless the Party that obtained the same die before he hath given an account of the Estate, and obtained his *Quietus*, in which case, the Court is impowered to grant the Administration of that Estate so not accounted for, to some other Person, who may by Virtue thereof, call his Heirs, Executors, or Administrators of the former Administrators, to accompt; who shall pay out of the said deceased Administrators Estate, all

*The Widow to have one third of the Estate (Debts being first paid) the other two thirds to be divided amongst the children.*

Administrators *shall give in security to the Court.*

ſuch Debts as ſhall be found due to the Eſtate he adminiſtred upon, in the firſt place.

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## LXVI.

## *Concerning* Orphans.

CONcerning Orphans Eſtates, Be it Enacted, That all Wills and Teſtaments be firm and inviolable, unleſs the Executors or Overſeers, do refuſe to execute the Truſt repoſed in them by the Teſtator, in which caſe, the Court may appoint others to act according to the Will: but if the ſaid Will be ſo made that no Perſon will undertake the managing of the Eſtate or Education of the Orphans, according to the tenor of it, then that the Eſtate by the appointment of the Court ſhall be managed according to the Rules ſet down for the ordering the Eſtate of perſons Inteſtate, as followeth:

Orphans *ſhall be maintained by the* Intereſt *and increaſe of their Stock if ſufficient, if not ſhall be bound Apprentices.*

Firſt, That no account be allowed for Diet, Cloths, Phyſick, or elſe againſt any Orphans Eſtate, but they to be Educated and provided for, by the Intereſt of the Eſtate and Increaſe of their Stock, according to the proportion of their Eſtates, if it will bear it; but if the Eſtate be ſo mean and inconſiderable, that it will not extend to a free Education, then it is Enacted, That ſuch Orphans ſhall be bound Apprentices to ſome Handycraft Trade, until One and twenty years of age; except ſome Kinſman or Relation will maintain them for the Intereſt of the ſmall Eſtate they have, without diminution of the Principal: which, whether great or ſmall, always to be delivered to the Orphan at the years appointed by Law.

*Cattle, Horſes, and Sheep ſhall be returned in kind.*

That all Cattle, Horſes, and Sheep, be returned in kind by the Guardian according to the age and number when as he received them; and becauſe ſeveral had, before the firſt making of this Act Eſtates of Orphans in their hands, which they kept for the male increaſe and giving the yearly Accompt of the augmentation or diminution of the Orphans Stock, which by the careleſsneſs or wickedneſs of the Guardians was uſually conſumed before they came to age, and diſputes thereupon ariſe in the ſeveral Courts, how ſuch perſons ſhould

ſhould be proceeded with, and Accounts of Orphans Eſtates, how to be given them; it is hereby declared, That all perſons poſſeſſed of Orphans-Stocks, before the firſt making this act, ſhall be bound to deliver to the Orphan, when he comes to age, ſuch and ſo many of any kind as he was poſſeſt of, when he gave his account to the next Orphans Court ſucceeding the Publication thereof.

That all Plate and Money be preſerved and delivered in kind, according to the weight and quantity, that other Houſhould Stuff and Lumber be apprized in Money, and the value thereof paid by the *Guardian* to the *Orphan*, when he comes to age in the Country, Commodities at the price currant, as it ſhall be worth at the time in the place where the *Orphan* Eſtate is managed.

*Plate and Money ſhall be alſo returned in kind; other Houſhold-Stuff ſhall be appraiſed and ſold.*

That the Court take able and ſufficient ſecurity for *Orphans* Eſtates, and enquire yearly of the Security; and if the Court ſee Cauſe, to have it changed and called in, and placed as the Court ſhall think fit, the ſaid Court to inquire alſo whether *Orphans* be kept, maintained and educated according to their Eſtates; and if they find any notorious defect to remove the *Orphans* to other *Gaurdians*, and alſo for thoſe that are bound Apprentices, to change their Maſters if they uſe them rigorouſly, or neglect to teach them their Trades. That no more be allowed to *Guardians* for Collecting of Debts due to any Eſtate than Ten in the Hundred, the uſual allowance of Merchants to their Factors and Attorneys.

*Ten* per Cent *allow'd to* Guardians *for collecting* Debts due *to* Orphans.

That Thirty Pounds of *Tobacco per* day, be allowed to each Apprizer for Apprizement of any Eſtate, (if they will take it) and no more. That no allowance be made by the Court of exceſſive, Funeral expences, but that a Regulation thereof be made according to the proportion of the Eſtate and the quality of the perſon.

*Allowance for Appraiſement, and for Funeral Charges regulated.*

LXVII. Or-

## LXVII.

# Orphans Land *not to be* Aliened.

BE it also Enacted, for the future benefit of all *Orphans*, That the several County Courts, do take into their serious Consideration and Care, that the Lands in their County belonging to any *Orphan*, be not aliened, sold, or taken up, as deserted Land by any persons during the minority of the *Orphan*, and that the *Guardians* or *Overseers* of any *Orphan*, do not Let, Set, or Farm out any Land belonging to any *Orphan*, for longer Term than until the *Orphan* be of age; and that an especial care be had, that the Tenant shall improve the Plantation, by planting an Orchard and building a good House; and that the Tenant be bound to maintain good Fence about the Orchard, and keep the House in sufficient repair, and leave it Tenantable at his surrender, and that Provision be made in the Lease for preventing all waste of Timber, or imploying it to any other use, then the use of the Plantation.

*Timber upon* Orphans *Land, not to be wasted, and the Houses to be kept in repair.*

## LXVIII.

# *Grants of* Land.

BE it hereby Enacted, That any person or persons, claiming Land as due by Importation of Servants, shall first prove their Title or just Right before the Governour and Council, or produce Certificates from the County Courts to the Secretarys Office, before any Survey be made or Grant admitted; it being unreasonable that others furnished with Rights should be debarred by Pretence of a survey which in it self is no Title.

*How persons claiming Land by importation of Servants, must prove their Title.*

LXIX. *Defeat-*

## LXIX.

## *Deserted* Lands.

BE it also Enacted, That no Patent of Land shall hereafter pass upon pretence that the Land is deserted for want of planting within the time of Three years, unless proof thereof be made before the Governour and Council, and an Order obtained from them for the Patenting thereof; neither shall the first Petitioner for any Deserted Land be denied of having the first Grant, he making his Rights appear, when he Petitions for the Land. And whereas the former Act concerning Deserted Lands, reserved to the first taker up, his Rights to take up Land in another Place: It is here Enacted, That in regard he hath had the benefits of his Rights, held the Land in Possession, might make use of the Timber without contradiction, and yet neither pays the King any Rents, nor suffers him to admit any new Tenant; that the Rights as well as the Land shall be forfeited, and the Grantee made incapable of using any of them afterwards: Provided, That any Person having taken up Land deserted before the making of this Act in *November* 1652, shall not by Virtue of this Act, be outed of Possession.

*No Deserted Land shall be taken up by Patent, till after the term of Three Years, without Order obtained of the* Governour *and* Council.

## LXX.

## *Seating upon others* Dividends.

WHereas divers Suits have risen about seating ignorantly upon other Mens Lands, for deciding the same; Be it Enacted, That if any Person whatsoever, hath built or seated upon any Lands supposed his own, but proving by a just Survey, to belong to another, the charge of such building, seating, or clearing, shall by Twelve Men upon their Oaths be indifferently valued, and the consideration by the said Twelve Men so adjudged, shall be paid by the Owner of the Land, to the first Seater that was at the charge; but if that shall amount to more than the said Owner is willing to disburse, then the said Twelve Men shall

*Any Person who has built upon* Lands *supposed his own, but upon Survey prove to belong to another, shall have the charge thereof allow'd by the right Owner.*

*Or else shall Purchase the* Land.

*Twelve Men upon Oath, are to decide any Controversy arising thereupon.*

shall make a valuation of what the Land was worth before the Seating thereof, which the Seator shall accordingly pay to the true Owner: Provided always, That no consideration shall be allowed for building or clearing, to any Person that shall obstinately persist after lawful warning given him to desist.

## LXXI.

## *Not to shoot or range upon other Mens* Lands.

WHereas the Rights and Interests of the Inhabitants are very much infringed by the hunting and shooting of divers Men upon their Neighbours Dividends, contrary to the Priviledges granted them by their Patents; whereby many injuries do daily happen to the Owners of the said Land: Be it Enacted, That if any Planter or other, shall hunt or shoot within the limits of an others Dividend, without leave first obtained from the Proprietor, he or they so offending, shall forfeit for every such Trespass, Four hundred Pounds of *Tobacco*, one half to the Owner of the Land, and the other half to Publick Uses; notwithstanding it shall be lawful for any Person or Persons to hunt or shoot upon any Dividend of Land not planted or seated, though taken up without restraint or penalty: Provided also, That it shall be lawful for any Person that hath shot any Game without the limits of any other Mans Land, to pursue the same into any Mans Dividend, and freely to carry away the same, as also to seek or fetch his own Cattle or Hoggs off of any Mans Land, first giving notice to the Owner of the Land of his intent, and of the time he intends to stay upon it; to the end that the said Owner may, if he think fit to send one to see what Cattle or Hogs he drives away: Provided always, That it shall be lawful for the Governour to Commissionate some Gentlemen to give Licence to Persons to hunt wild Hogs upon any Mans Land without their fenced Plantations.

*No Person shall hunt or shoot within the limits of an others Dividend, without leave of the Proprietor.*

Cattle *not to be fetch'd off of anothers* Land, *till after notice given him thereof.*

*Licences for hunting wild Hoggs.*

LXXII. Lands

## LXXII.

## Lands *Five years in Possession.*

WHereas sundry Suits and Controversies have been, and daily do arise, about Claims and Titles to Lands, to the great impoverishing of divers Persons; for remedy whereof, and for the better Establishing the Inhabitants in the Rights and Possessions hereafter: Be it Enacted, That all Persons whatsoever, that have or do pretend any Title to any Land, shall prosecute their Claims before the said Land hath been peaceably enjoyed Five years; otherwise it shall be a good Plea in Bar for the Possessor of such Land claimed or possessed, to affirm he hath had peaceable Possession without Claim by Commencement, or Prosecution of Suit full Five years; proof whereof, shall be a sufficient Confirmation to the Possessor, and shall conclude the Claim and Title of the Pretender; and this Act to extend to all such as have not prosecuted their Title within Five years, since the 6th day of *October* 1646: Always provided, That the limitation of Five years in this Act expressed, shall not bar Orphans nor Widows under Covert, nor Persons out of the Country, nor Persons of unsound Minds: But that the said Orphans shall have Five years after they be of age, Women Five years free from Coverture, (*viz.*) if she marry again before her Five Years are expired, and her Husband omit to make claim, his omission shall be a good bar against him; but if the Woman survive, she shall have so long time allowed her to claim in as will make up the first time of her fredom, five years: Persons of unsound Mind, five years after their recovery from their impotence; Persons out of the Country, five years after their arrival into the Country: Provided they come in within two years after the Title to the Land became due, in which times if they claim not as aforesaid, to be utterly barred for ever; for otherwise the expectation of Heirs out of *England*, where there is none born here, must in a short time leave the greatest part of the Country un-seated, and un-peopled, no Man knowing how or of whom, either to Purchase or take Lease.

*Five Years peaceable possession of* Land, *shall confirme a Title thereto.*

*This Act shall not extend to Widows, Orphans, or Persons of an unsound Mind.*

*Nor to such as live out of the* Country. *Care taken in such Cases.*

LXXIII. *Against*

## LXXIII.

## *Against Fradulent Conveyances.*

*Conveyances of Estates shall be acknowledged before the Governor at the General Court, or before the Justices at County-Courts.*

BE it Enacted and confirmed, That no person or persons whatsoever shall pass over by Conveyance; or otherwise, any part of his Estate, whether Lands, Goods, or Cattle, whereby his Creditors not having notice thereof, might be defrauded of their just Debts; unless such Conveyance or other Deeds be acknowledged before the Governour and Council at the General Court, or before the Justices at the County Courts; and there Registred in a Book for that purpose, within Six Months after such alienation: and whoever shall make over or alienate any part of his Estate, otherwise than is here expressed, the same shall not be accounted valid in Law, nor shall it bar any Creditor by seizing the same by Law for satisfaction of the Debt, the Property of the Estate not being legally vested in any but the first Vendor: And it is further Enacted, That any conveyance made, and acknowledged, and recorded, shall not be held good in Law, against any Creditors or former Purchasers, until Four Months after such acknowledgment made and recorded, in which time the Creditors or former Purchasers, may shew for what cause the said Conveyance is to be accounted fraudulent; but if none appear within the said Four Months after the first acknowledgment in Court, then the Sale shall be for ever after good against all other claimers or pretenders whatsoever, unless such as pretend to overthrow the first Sellers Title, in whom only five years possession can bar: Provided, That this Act shall not extend to such persons who for satisfaction of just Debts, shall make a Bill of Sale of their Estates, or any part thereof, and deliver it *bona fide* into the Possession of the Creditor; but such Act shall be good and valid to all intents and purposes, this Act being made only to prevent fraud and deceit.

*And shall be Registred within Six Months.*

*Otherwise shall not be valid in* Law.

*Who are exempted from this Act.*

LXXIV. *Quit-*

## LXXIV.

## Quit-Rents *how to be* Paid.

WHereas his Majesty hath by his Commissioners appointed a Treasurer to receive the Quit-Rents and others Fees and Profits due to his Majesty; and the payment of Quit-Rents being due in Money, which we, being destitute of Coin, cannot procure: Be it Enacted, That those persons that cannot procure Money, shall pay their said Rents in *Tobacco*, at Two pence *per* Pound, to such Collector or Collectors, as by his Majesties Treasurer shall be appointed; and that the Country paying the Rents double, the two next years shall be acquitted from all Arears, by assent of the Honourable Sir *William Berkly*, who is Authorized by the Treasurer to make Composition.

Quit-Rents *may be paid in* Tobacco *at two pence* per *Pound.*

## LXXV.

## Surveyors *of* Land.

BE it Enacted that Surveyors of Land shall demand no more than Twenty Pounds of *Tobacco*, for Measuring One hundred Acres of Land, if the parcel exceed Five hundred Acres, but if under, to be allowed One hundred pounds of Tobacco, and for the same shall deliver an Exact Plot of each parcel Surveyed and Measured; and if any Surveyor upon reasonable Demand, shall refuse to Measure the Dividend for any person whatsoever; for the Consideration and Satisfaction aforesaid; such Surveyor shall be liable to the Censure of the Court in that County where he liveth; and if any Surveyor shall be desired to go further from his place of Residence, then he can return in one day; such Surveyor shall have the Allowance of Thirty pounds of *Tobacco per* day, for every days Absence from his Dwelling; and if his passage cannot be but by Water, then such persons as shall imploy him, shall

*What prizes shall be allowed for the Surveying of Lands.*

Q provide

provide for his Transport out and home : Provided no Pay to be received before the Plot delivered.

## LXXVI.

## Land *to be plainly* Marked *and* Bounded.

*No Surveyor shall give a Plot of any Land Surveyed by him, till Six Months after the drawing thereof.*

WHereas many contentious Suits do arise about Title to Land, occasioned much through the fraudulent and under-hand-dealing of Surveyors; who frequently make sales of the Surveys by them made in the behalf of one person to another ; whereby often times he that had the first and justest Right, is unjustly deprived of his Due; for prevention whereof for the future, Be it Enacted and ordained, That no Surveyor of Land shall give a Plot of any Land surveyed by him unto any person whatsoever, until Six Months after such Plot is drawn according to its Survey ; and that all Land surveyed, shall be at the surveying thereof plainly marked and Bounded for all persons to take notice of ; that none may by the Ignorance of the bounds, intrench upon another Right; and the persons offending, either in giving out of Surveys contrary to this act, or not sufficiently marking his Bounds, to forfeit Five hundred Pounds of *Tobacco*, for every Hundred Acres the Survey shall be given of to the use of the Country.

## LXXVII.

## *What* Fences *shall be sufficient.*

*Fences shall be four foot and a half high, otherwise no Damage to be allowed for trespass.*

BE it also Enacted and Confirmed, by this present Grand Assembly, That every Planter shall make a sufficient Fence about his cleared ground at the least four Foot and a half high; which if he shall be deficient in, what trespass or damage soever he shall receive or sustain, by Hogs, Goats, or Cattle, shall be his own loss and detriment ; and also if it shall happen, that any person shall hunt any of the

the laid Horſes, Mares, Hogs, Goats or Cattle, that ſhall ſo offend and do them harm, he ſhall make ſatisfaction for any of them that ſhall be ſo hurt to the owners of them, to be recovered in any Court of Juſtice within the Collony: And it is further Enacted, That where any Horſes, Mares, Cattle, or Hogs, ſhall endamage any perſon for want of ſuch Fence, as aforeſaid; and the party damnifying, do wilfully kill, or otherwiſe hurt, ſo as the Cattle, Hogs, Horſes, or Mares, do die of ſuch hurt, whether by Dogs ſet upon them or otherwiſe; in ſuch caſe, the owner of the ground ſhall not only be liable to ſatisfie the value of ſuch Horſes, Mares, Hogs or Cattle, but by virtue of this Act, be adjudged to ſatisfie double the value of ſuch Horſes, Mares, Hogs or Cattle ſo killed, to the owners of them. And further, be it Enacted, That where the Fence ſhall be adjudged ſufficient (*Viz.*) Four foot and a half high, and cloſe down to the bottom; that in caſe any Damage or Treſpaſs be then done or committed to any perſon having ſuch Fences, by either Horſes, Mares, Goats, or any other Cattle whatſoever, the owners of ſuch Horſes, Mares, &c. ſhall be liable to make ſatisfaction for their Treſpaſs and Damage to the perſon injured, in caſe the Fence be found by two honeſt men, appointed by the next *Commiſſioner*, to be ſufficient. *Satisfaction in caſe of Treſpaſs.*

## LXXVIII.

## Bounds *of* Lands *to be every* Four years *renewed by the view of the* Neighbour-hood.

WHereas many contentious Suits are dayly incited and ſtirred up about the bounds of Land; for which no remedy yet hath been provided: The 57th Act prohibiting Re-Surveys, not applying the expected Remedies, for if the Survey be juſt, yet Surveyors being for the moſt part careleſs of ſeeing the Trees Marked, or the owners never renewing them, in a ſhort time the Chops being grown up, or the Trees fallen, the bounds become as uncertain as at firſt. And upon a new Survey, the leaſt variation of a Compaſs alters the ſcituation of the whole Neighbour-hood, and deprives many perſons of Houſes,

Houses, Orchards, and all to their infinite loss and trouble for prevention whereof, Be it Enacted, That within Twelve Months after this Act, all the Inhabitants of every Neck and Tract of Land adjoyning, shall go in procession, and see the marked Trees of every mans Land in those Precincts to be renewed, and the same Course to be taken once in every Four years; by which means, the Inconveniency of *Clandestine Surveys* will be taken away; and the Bounds will be so generally known, and the Marks so fresh, that no alteration can be made afterwards. And be it further Enacted, That the Bounds by the consent of the present Proprietors, being once thus settled, shall conclude the said Proprietors, and all others claiming from or under any of them, from any future alteration of their Bounds, be there within the said Bounds more or less Lands than they pretend to; and if it shall happen any difference to be at present, that cannot be by the Neighbours themselves decided: Be it further Enacted, That two honest and able Surveyors, shall in presence of the Neighbour-hood lay out the Land in Controversie, and the Bounds laid out to be the certain Bounds; and ever after to be renewed and continue so (but the person causing the Difference to pay the Charge of the Survey) it tending much more to the preservation of Friendship among Neighbours, to have a present and final Decision of their differences, while Men yet live that are acquainted with the first Surveys, and while Land is yet at a low Value, then it will be when time hath raced out all knowledg to the Bounds, and added a great Value to the Land: Be it Enacted further, That each County Court shall appoint and order the Vestries of each Parish to divide the Parishes into so many Precincts as they shall think necessary for the Neighbours to joyn in and see each others Mark renewed, and to appoint certain days between *Easter* and *Whitsontide*, to go the said Processions, and put this Act into effectual Execution; and in case the Court shall omit to make such orders, and to send the same to the several Vestries of the Parishes in their Counties, they shall be fined Ten thousand pounds of *Tobacco*, and the Vestries failing to order the Precincts and the Persons to go together, shall be fined Twelve hundred pounds of *Tobacco*, and the person failing to go upon the day appointed, or to renew his Mark accordingly, shall for his neglect be fined Three hundred and fifty Pounds of *Tobacco*.

*Bounds being once settled by the consent of the Proprietors, shall take off all Claim to future alteration thereof.*

*Days to be appointed upon which Procession shall be made.*

LXXIX. *Sur-*

## LXXIX.

## Surveyors *for High Ways.*

WHereas through the frequent Alterations of the High-ways, by felling of Trees over them, and many times taking them into fenced Plantations, to the great hindrance of Travellers and Traders; Be it therefore Enacted, That the Justices do yearly in *October Court*, appoint Surveyors of the High-ways, who shall first lay out the most convenient ways to the Church, to the Court, to *James* Town, and from County to County; and make the said ways Forty foot broad, and make Bridges where there is occasion; and the Ways being thus laid out and Bridges made, they shall cause the said Ways to be kept clear from Logs, and the Bridges in good repair; that all his Majesties Subjects may have free and safe Passage about their occasions: and to effect the same, the Vestries of every Parish, are upon the desire of the Surveyor, hereby enjoyned and impowered to order the Parishioners, every one according to the number of Tythables he hath in his Family, to send Men upon the days by the Surveyors appointed, to help them in clearing the Ways or making or repairing the Bridges, according to the intent and purpose of this Act; and if any Court shall omit the appointing Surveyors, or they neglect the executing their Office, or the Vestry to order the Work, or any person to send help, according to the said Vestries order, the said Court Surveyors, Vestry, or Person, shall be amerced Five hundred pound of *Tobacco* to the use of the County: And if any person shall contrary to this Act, fell Trees upon the High-ways, and not clear the same, or inclose any part of the said High-ways within any fence, the Grand Jury shall present the same as a common Nusance, and the Inclosure shall be thrown open, and the offender be fined One thousand pound of *Tobacco*, to the use of the County; and if any Counties have Creek or Swamp, limiting the bounds between the said Counties, it is Enacted, That both Counties bounding upon such Passage, shall contribute to the making the Bridge, or making the way over it.

*The* Justices *shall yearly appoint* Surveyors *of the High-Ways.*

*High-Ways shall be kept clear, and Bridges in good repair.*

Vestries *of each Parish shall take care thereof.*

*The Penalty of Felling Trees on the High-Way, or encroaching upon the same.*

## LXXX.

# Tobacco *when to be demanded.*

*Tobacco due shall be demanded, between the Tenth of* October *and the last of* January.

WHereas many *Creditors* for several By-respects, neglect the demanding the *Tobacco*, due to them in due time; by that means inforcing the Debtor to the inconveniency of not disposing of his *Tobacco*, and yet not paying his Debts, to the great damage and prejudice of the said Debtor: Be it therefore Enacted, That every person or persons not demanding his or their Debts between the Tenth of *October* and the last of *January*, shall not sue or implead any person or persons Indebted to him or them for present Payment; but it shall be lawful for any persons owing *Tobacco*, to dispose of the same for his own use after the said last of *January*, if it have not been demanded according to the tenor of this Act, and no Execution to issue for a *Tobacco Debt*, but against the person, who shall have liberty to free himself, by putting in security to pay the Debt the following Crop. Provided always, That it shall be lawful for the Creditor to sue or implead his Debtor for security for his *Debt* against the next year, any thing in this Act to the contrary notwithstanding.

## LXXXI.

# Judgments *and* Specialties *how long Pleadable.*

WHereas the nature of our Trade in *Virginia*, enforceth us to Engage by Bills, Bonds, and other Writings, for discharge of which, in part or in whole, the Debtor is often constrained to accept of the Receipts, the said Bills, Bonds, Judgments and other Writings remaining still in the hands of the said Creditor, and the Receipt being often times lost, the *Debtor*, and especially the Executors and Administrators of a person *deceased*, not being able to prove payment, those *Debts* are frequently demanded and unjustly recovered, which before had been justly paid and discharged; for

for remedy whereof, Be it Enacted, That no Bills or Bonds be of force or recoverable Five years after the date of the said Bills or Bonds, or any Bills or Bonds heretofore made, five years after the date of this Act; as also that no Judgment shall be of force seven years after the Grant thereof or after the date of this Act as aforesaid; but if the Debtor shall depart the Country, and leave no Attorney to answer for him, or any other way conceal or privily remove himself into any part of the Country, and by that means render the renewing of the Bill impossible; such time of his Absence or Concealment shall not be accounted any part of the Five or Seven years limited.

Bills *and* Bonds *of persons Deceased, in what time recoverable.*

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## LXXXII.

## Attorneys *for Business out of* England.

WHereas many persons in this Country, entertain as Attorneys, many troublesome businesses out of *England* and other places, when justly there is no occasion for such Molestation, and yet the Parties molested, are left destitute of Relief, by reason the said Disturbers have no Estate in this Country to satisfie Damages they are condemned in: Be it therefore Enacted, That no Attorney by any power out of *England*, or elsewhere, shall sue or implead any person of this *Collony*, without giving first good Security, that he the said Attorney shall pay all such *Costs* and *Damages* as the *Court* shall *award* against him; where the Law shall find that he the said Attorney hath by that power unjustly molested the Defendant.

Attorneys *out of* England *shall give security to pay Costs and Damages, if cast in Law Suits.*

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## LXXXIII.

## Burgesses.

WHereas no Provision hath been made for the certain *Conveyance* of publick Writs for the Election of Burgesses; whereby the delivering the said Writs being retarded, the Sheriff hath no time to give notice to the people according to Law,

nor

nor make a timely return of the Writs, nor can the Burgesses appear at the day; for remedy whereof, Be it Enacted by this present Grand Assembly, That the Secretary provide for the timely conveyance of the Writs into every County, to be delivered to the Sheriff thereof; and for his pains be paid One Hogshead of *Tobacco*, weighing Three hundred and Fifty pounds for every County; and in Case any Neglect be proved against him, that he be fined for such neglect at the discretion of the Assembly: Always provided he have the Writs signed Forty days before the day of the Return.

*Allowance to the Secretary for conveying Writs of Election to the Sheriffs of each County.*

## LXXXIV.

## Burgesses *ascertained.*

Repeal'd

WHereas the charge of the Assemblies is much augmented by the great number of Burgesses, unnecessarily chosen by several Parishes: Be it Enacted, That hereafter no County shall send above two Burgesses, who shall be Elected at those places in each County where the County Courts are usually kept. Provided always, That *James City* being the Metropolis of the Country, shall have the Priviledge to Elect a Burgess for themselves, and every County that will lay out One hundred Acres of Land, and people it with One hundred Tythable persons; that place shall enjoy the like Priviledge.

*Two* Burgesses *from each County.*

*One for* James City *in particular.*

## LXXXV.

## Burgesses *Charges ascertained.*

Repeal'd

WHereas the immoderate Expences of the Burgesses causing divers heart-burnings between them and the People occasioned an Injunction to make agreement for the allowance before the Election, which may hereafter probably induce interested persons to purchase Votes, by offering to serve at low Rates; by which means, that Candour and Freedom which should be in the Choice of persons credited with

with so honourable and great a trust, might be very much prejudiced, and the place it self become mercenary and contemptible: Be it therefore Enacted, That the maintainance of every Burgess shall be One hundred and Fifty pounds of *Tobacco* and Cask *per* day, besides the necessary charge of going to the Assembly and returning.

## LXXXVI.

## Burgesses *to appear upon the Day.*

WHereas many Inconveniences happen by the not appearing of Burgesses, upon the precise day of the Return of the Writ; as leaving the business of the greatest Importance, the prudent choice of a Speaker to a small party that first appears; upon which divers Animosities may arise in some that dislike the Election, to the great detriment of the Publick Affairs; which by this means are retarded, and the charges of those Counties whose Burgesses first appeared increased; Be it therefore Enacted, That what Burgess soever shall fail in making his Appearance and attending the Assembly, precisely upon the day of the return of the Writ, shall be fined for every days Absence, Three hundred pounds of *Tobacco*, to be disposed of by the Assembly, unless he be obstructed by some such Impediment as the House shall judge might be a lawful and reasonable Cause to hinder his Coming.

*Fine laid upon* Burgesses *for not appearing on the precise day of the Writ.*

## LXXXVII.

## Burgesses *not to be Arrested.*

FOR the dispatch and reputation of the Publick Business, Be it Enacted, That none of the Burgesses of any Assembly, nor any of their Attendants, shall be Arrested from the time of their Election, until Ten Days after the Dissolution of the Assembly wherein he serves as a Burgess: Provided, That if the Assembly be Adjourned for above

Burgesses *not to be Arrested unless the Assembly be adjourned for above a Month.*

a Month, the several Burgesses shall Ten days after that Session be liable to Arrests and other Processes; and if in the interval of Sessions they be Arrested and Prosecuted to Execution, and that served, the Execution shall be suspended Ten days before the next Session of that Assembly, and continue so until Ten days after it, at which time the priviledge of Burgess shall cease and determine.

## LXXXVIII.

## *No* Order *to contradict an* Act.

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No *act of* Court *or* Proclamation *shall contradict an Act of Assembly.*

BE it Enacted and Confirmed, That no Act of Court or Proclamation, shall upon any pretence whatsoever enjoyn Obedience thereunto contrary to any Act of an Assembly, until the reversal of that Act by a succeeding Assembly.

## LXXXIX.

## Assemblies *to enquire after the* Breach *of* Laws.

WHereas several Laws have been by divers Assemblies made for the good of this Country, which for want of due Observation have not produced the desired Effect; And whereas it is by this Assembly Enacted, That the Grand Jury of Inquests should twice annually make Presentment of the breach of all Penal Laws; and that the Assembly should dispose of the Fines levied upon the several Offenders for the use of the Counties wherein they accrued due: Be it Enacted, That for the future the first day of every succeeding Assembly, shall be imployed in receiving the said Presentments of the Grand Jury, and to enquire into the remissness of Juries and Courts, and how the Laws have been put in Execution, and disposing the Fines that by that means the Laws may be restored to their due

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Vigor, and Offenders be deterred from Neglect or Contempt, when they shall find a severe Account of their Observation is so diligently enquired into.

## XC.

## Publick Letters *how to be* Conveyed.

WHereas the remoteness of divers places in the Country from *James City*, and the necessity of communicating divers Businesses to the utmost limits of it, would, if messengers were pressed purposely, put the Country to an annual great expence, for prevention thereof, Be it Enacted, That all Letters superscribed for the use of his Majesty or the Publick, shall be immediately conveyed from Plantation to Plantation, to the place and person they are directed to, under the penalty of Three hundred and Fifty pounds of *Tobacco* to each default; and if any Person be put thereby to any extraordinary Charge, the *Court* of each *County* is hereby authorized to judge thereof and to levy payment for the same; the Superscriptions being signed by the Governour, some one of the *Quorum*, or the *Collonel*, *Lieutenant Collonel*, or *Major* of a *Regiment*; and where any person in the Family the said Letters come to, can Write, such person is required to endorse the day and hour he received them, that the neglect or contempt of any person stopping them may be the better known, and be punished accordingly.

*Extraordinary Charges in conveying publick Letters to be allowed by the County Courts.*

## XCI.

## Divulgers *of false* News.

WHereas many idle and busie-headed People, do forge and divulge false Rumors and Reports, to the great disturbance of the Peace of his Royal Majesties leige People in this Collony: Be it Enacted, That what person or persons soever shall forge or divulge

*Divulgers of false News fined Two thousand pounds of* Tobacco, *and to give Security for their good Behaviour.*

divulge any such false Reports, tending to the trouble of the Country; he shall be by the next Justice of the Peace sent for and bound over to the next *County Court*, where if he produce not his Author he shall be fined Two thousand pound of *Tobacco*, (or less if the Court think fit to lessen it) and besides give Bond for his Behaviour, if it appear to the Court that he did maliciously publish or invent it.

## XCII.

## Chirurgeons *Accounts regulated.*

*Appeal to the General or County Courts, when Physicians or Chirurgeons are unreasonable in their Demands.*

WHereas the excessive and immoderate Prices exacted by divers avaritious and griping practicioners in Physick and Chirurgery, hath caused several hard-hearted Masters, swayed by profitable more than charitable respects, rather to expose a sick Servant to a hazard of the recovery, than put themselves to the certain charge of a rigorous, though unskilful Physician, whose demands, for the most part exceed the purchase of the Patient; many other poor people also being forced to give themselves over to a lingring Disease, rather than ruin themselves, by endeavouring to procure an uncertain Remedy: for redress thereof for the future, Be it Enacted, That it shall be lawful for any person or persons conceiving the Account of the Physician or Chirurgeon unreasonable, to Arrest the said Physician or Chirurgeon to the General or County Court, where the Physician or Chirurgeon shall declare upon his Oath the true Value, Cost and Quantity of the Drugs administred; for which, the Court shall grant Order against the Plantiff with Fifty *per Cent.* advance, and such consideration for his Care, Visits and Attendance, as they shall judge he hath deserved; and if it shall appear by Evidence, that the said Physician or Chirurgeon hath neglected his Patient while he was under Cure, the Court shall censure him to pay so much, as they in their discretion shall think reasonable.

XCIII. Chi-

## XCIII.

## Chirurgeons *Accounts* Pleadable *after deceaſe of the* Party.

WHereas by Act of many Aſſemblies no Accounts are Pleadable againſt dead mens Eſtates, whereby many Scruples have been made about the Accounts of Phyſicians and Chirurgeons, who cannot poſſibly take Bill: Be it therefore Enacted, That Phyſicians and Chirurgeons Accounts ſhall be Pleadable and Recoverable, for means adminiſtred and pains taken in the time of Sickneſs, whereof the Party dies, and where the patient recovers Six Months after ſuch Recovery and no longer.

## XCIV.

## Diſcounts *to be made in* Courts.

BE it Enacted, For the avoiding many cauſeleſs Suits in Law, that where any Suit ſhall be commenced in any Court for a Debt, that if the Defendant hath either Bill, Bond, or Account of the Plantiffs, wherein he proves the Plantiff Debtor, ſuch Debt of the Plaintiff ſhall be diſcounted out of the Debt he claimeth of the Defendant, and Judgement ſhall be given for no more than the Ballance of the Debt will amount to, conſideration being always made of the times their ſeveral Debts have been due, and accordingly Allowance made for the time; and becauſe it many times happens that the Defendants in ſuch caſes do procure Bill or Accounts of the Plaintiffs from other men, which he perhaps can diſcount with thoſe to whom he paſſed ſuch Speciality or Account: It is therefore Enacted, That no Bill or Account that being aſſigned over, ſhall by the Aſſignee be pleadable againſt the Debtor, in ſuch Bill or Account, unleſs the Aſſignee can prove that he gave the Debtor notice before his acceptance

of the Assignment, and that the Debtor at that time pr tended to no discount against it.

## XCV.

## Accounts *against* Dead *Mens* Estates.

WHereas too sad Experience hath shewed that Ac counts against the Estates of persons deceased have often unjustly devoured the Estates, an brought the Wives and Children to Poverty an Ruin; and whereas as well the Laws of *England* as o this *Country* permit not any thing to be Pleadable against a ny person that cannot wage his Law, which Executors an Administrators are utterly uncapable of: Be it therefor Enacted, That no Book Debts or Accounts shall be hence forth pleadable against the Estate of any person decease nor against any living, if the said Person shall upon h Oath deny the same to be due, unless they be such Ac counts as by particular Acts of the Assembly, as Officer Fees, Levies and Chirurgeons Accounts are Pleadable neither shall any Man be put to his Oath upon an Ord nary Keepers Account, but the said Ordinary Keeper sha take the hand of any person (calling for any Drink o Provision) to his Book or else his Bill, or otherwise h Debt shall not be Pleadable.

*Debts due to Ordinary Keepers.*

## XCVI.

## *Ballancing Accounts of deceased persons.*

AND whereas divers Men being indebted to othe upon Account, may be induced to deliver Goods t them or their Assigns in Ballance, yet take no R ceipt, which Account upon the death of either party ma be brought by his Executors or Administrators against th Survivor, of which he cannot upon his Oath deny the R ceip

ceipt, yet that Account, though justly ballanced before, is often recovered by this Act prohibiting Accounts against Dead Mens Estates, yet leaving liberty to their Executors or Administrators to sue for an Acount due to the Estate of the person deceased: Be it therefore Enacted, That Accounts against a Dead Mans Estate being sufficiently proved, shall be admitted in discount of an Account, due to such Dead Mans Estate; but if the Account brought against the Estate, exceed that due to the Estate, the Survivor, for the overplus shall be dismissed without day. Provided also, That where the Party charged as Debtor to any one, shall refuse upon his Oath to deny the Account brought against him (except an Ordinary Keepers, which it is impossible to keep in Memory, or any part thereof) the Court shall take the Account to be due, as by confession, and shall give Judgment for so much thereof as he shall not deny as aforesaid.

*Accounts against a dead mans Estate, shall be admitted in Discount.*

## XCVII.

## Ordinary Keepers *how to Sell.*

WHereas continual Complaints are made of the Exaction of Ordinary Keepers and others in the Rate and Measures of Strong Drink, by them retailed and sold: Be it Enacted, That no Person after the First of *March*, One thousand six hundred sixty and three, shall sell or vend by retail any Wine, Beer, or other Strong Drink, of what sort soever, by any Measures but English Sealed Measures, of Pints, Quarts, Pottles, or Gallons, and that every one that now doth, or hereafter shall keep any Ordinary, shall by the said first of *March* 1663, provide such Measures to sell by in his House; and in case he fail, shall be put down from keeping any Ordinary, and fined Five thousand Pounds of *Tobacco* to the use of the publick. Provided always, That it shall be lawful for them to sell English Strong Waters, coming over in Cases, by the Bottle, in the same Bottles they bought them.

*Ordinary Keepers shall sell by English Measures.*

And for preventing many Disorders and Riots in Ordinaries and other places where Drink is retailed, Be it Enacted, That no person or persons whatsoever, shall in their Houses retail any Drink, but such as shall obtain a Licence from the Commissioner of the County where he lives, signed by the first in Commission of that Court, by giving Bond according

*None to retail Drink but such as have Licences.*

to

to the Laws of *England*, and further obliging himſelf to ſel at the rates ſet by the Commiſſioners, and to pay annual ly to the Governour Three hundred and fifty Pounds of *To bacco* and Cask for his Licence.

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## XCVIII.

## Servants *how long to* Serve.

*All Servants coming in without* Indenture, *ſhall ſerve Five years, if above Sixteen years of Age, and all under till they are Four and twenty.*

VVHereas the Thirteenth Act 1659, doth Enact, That all perſons brought as Servants into thi Country, of what Chriſtian Nation ſoever they be, ſhould ſerve no longer than our own Nation, which i Five Years, if above Sixteen Years of Age, if under, until One and twenty, as by the Thirtieth Act of the ſaid Aſſembly appears; and in regard the ſaid Thirtieth Act doth contra ry to Law, look backward, and ſet free ſeveral Servant Aliens, purchaſed upon a former Act of Aſſembly made the Fourth of 1654. Be it thereſore Enacted, That all Aliens and others coming in while that Act and the other are in force, ſhall ſerve according to thoſe Acts; and that for the future, all the aforeſaid Acts ſhall be repealed, and all Servants hereafter coming in without Indenture ſhal ſerve Five Years, if above Sixteen Years of Age, and all un der that Age ſhall ſerve until they be Four and twenty Year Old, that being the time limited by the Laws of *England* and that the ſeveral Courts at the Requeſt of the Maſter make Inſpection and judge of their Age.

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## XCIX.

## *Againſt ſecret* Marriage.

VVHereas much loſs and detriment doth ariſe to divers Maſters of Families by the Secret Mar riages of Servants, the ſaid Servants through that occaſion neglecting their Works and often purloining their Maſters Goods and Proviſions: Be it therefore Enacted That no Miniſter either Publiſh the Banes, or Celebrat th

the Contract of Marriage between any Servants, unless he have from both their Masters a Certificate that it is done with their consent; and the Minister doing otherwise shall be Fined Ten thousand Pounds of *Tobacco*, and the said Servants both Man and Woman, that shall by any indirect means procure themselves to be Married without consent of his and her Master, shall for such their Offence, each of them serve their respective Masters One whole Year after the time of Service by Indenture is expired: And if any person being free, shall clandestinely marry with a Servant as aforesaid, he or she so marrying, shall pay to the Master of the Servant Fifteen hundred Pounds of *Tobacco* or a Years Service, and the Servant so being married shall abide with his or her Master the time by Indenture or Custom, and a year after as aforesaid.

*Servants may not be Married without producing Certificates from their Masters.*

## C.

## *Against* Fornication.

FOR restraint of the filthy Sin of Fornication; Be it Enacted, That what Man or Woman soever shall commit Fornication, he and she so offending, upon proof thereof by Confession or Evidence, shall pay each of them Five hundred Pounds of *Tobacco*, Five to the use of the Parish or Parishes they dwell in, and be bound to their good Behaviour, and be Imprisoned till they find security to be bound with them; and if they or either of them committing Fornication as aforesaid, be Servants, then the Masters of such Servants so offending shall pay the said Five hundred pounds of *Tobacco* as aforesaid, for which the said Servant shall serve half a year after the time by Indenture or Custom is Expired; and if the Master shall refuse to pay the Fine, then the Servant to be Whipped; and if it happen, that a Bastard Child be gotten in such Fornication, then the Woman, if a Servant, in regard of the loss and trouble her Master sustains by her having a Bastard, shall serve two years after her time by Indenture is Expired, or pay Two thousand pounds of *Tobacco* to her Master, besides the Fine or Punishment for committing the offence, and the reputed Father to put in security to keep the Child and save the Parish harmless.

*Persons convicted of fornication, Fined Five hundred pounds of Tobacco.*

*Servants guilty thereof how to be punished.*

## CI.

## *Hired* Servants.

WHereas divers perſons, that by Indenture, C ſtom, or After-Contracts for Wages, being Se vants to ſeveral Men, do many times run awa to Plantations far remote; and there being unknown, procu Entertainment with others for Wages or Shares, to the gre damage, and ſometimes utter undoing of their true Maſter and alſo of thoſe that ignorantly entertain them, by paying th Fine; for prevention whereof for the future, and for th better diſcovery of ſuch Run-aways: Be it Enacted, Th all Servants at the Expiration of their time, ſhall with the Maſter or a ſufficient Teſtimonial from him, go to the Cou in that County where he ſerved, and there enter his Fre dom, and take Certificate thereof from the Clerk of th ſaid Court; which Certificate ſhall be ſufficient Warran for any perſon to entertain him into his Service; and wh ever after his firſt time by Indenture is expired, and Ce tificate thereof taken out as aforeſaid; ſhall agai upon any Terms become ſervant to another, the Maſt then hiring the ſaid Servant ſhall take his Certificate o Freedom and keep it until the time contracted for be exp red; and whoever ſhall entertain or harbour any Servan or hired Free-man running away from his Maſters Servic and not having a Certificate as aforeſaid, ſhall pay to th Maſter of the ſaid ſervant Thirty pounds of *Tobacco p* day and night for all the time they ſhall harbour or ente tain them. Provided that if ſuch Run-away Servants ſha forge a Certificate or ſteal the true one from the Maſter h is hired to, and by that means procure himſelf Entertain ment, the perſon entertaining him ſhall be free from th Fine, but the Servant ſtealing or forging a Certificate ſhall be puniſhed for his forgery, by ſtanding in the *Pill ry* two hours upon a Court day; and if any perſon comin free into the Country, ſhall by any Contract agree wit one perſon, and before the time agreed for be accom pliſhed, ſhall depart to annother, he ſhall firſt perform the tenor of his Contract firſt made, and pay the ap parent Damages that ſhall ariſe by his breach of Covenant and ſhall after that ſatſfied, be liable to the payment o

*Servants when their time is expired ſhall take Certificates of their Freedom.*

*And produce them when entertained by other Maſters.*

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what Damages any other Contractor with him shall recover of him by Law; and in regard the Certificates of Freedoms may be worn out and lost, and by those means New ones be required: It is further Enacted, That every Clerk upon such pretence granting a new Certificate, shall mention in that the loss of the first, and that for that cause this second was issued.

## CII.

### *Run-aways.*

WHereas there are divers loitering Run-aways in this Country, who very often absent themselves from their Masters service, and sometimes in a long time cannot be found, the loss of their time and the charge of the seeking them, often exceeding the value of their labour: Be it therefore Enacted, That all Run-aways that shall absent themselves from their said Masters Service, shall be liable to make satisfaction by service, after the times by Custom or Indenture are expired (*Viz.*) double their time of service so neglected; and if the time of their Running away was in the Crop, and the charge of recovering them extraordinary, the Court shall adudg a longer time of Service, proportionable to the Damage the Master shall make appear he hath sustained; and because the adjudging the time they should serve, is often referred until the time by Indenture is expired, when the proof of what is due is very uncertain: Be it Enacted, That the Master of any Run-away that intends to take the benefit of this Act, shall as soon as he hath recovered him, carry him to the next *Commissioner* and there declare and prove the time of his absence, and the Charge he hath been at in his Recovery; which *Commissioner* thereupon shall grant his Certificate, and the Court on that Certificate pass Judgment for the time he shall serve for his absence.

*Run-away Servants shall serve their Masters twice the time of their absence, after the time of their Indenture is expired.*

And in case any *English* Servant shall run away in Company of any *Negroes*, who are incapable of making Satisfaction by Addition of time: It is Enacted, That the *English* so running away in the company with them, shall

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*English servants running away in company with Negroes.*

at any time of Service to their own Masters expired serve the Masters of the said *Negroes* for their absence, so long as they should have done by this Act, if they had not been Slaves, every *Christian* in company serving his proportion; and if the *Negroes* be lost or die in such time of their being run away, the *Christian Servants* in company with them, shall by Proportion among them either pay Four thousand five hundred pounds of *Tobacco* and *Cask*, or four years Service for every *Negro* so lost or dead.

## CIII.

## *Cruelty of* Masters *prohibited.*

WHereas the Barbarous usage of some Servants by cruel Masters, brings so much Scandal and Infamy to the Country in general, that people who would willingly adventure themselves hither, are through fear thereof diverted, and by that means the supplies of particular men, and the well-seating of his Majesties Country very much obstructed: Be it therefore Enacted, That every Master shall provide for his Servants competent Diet, Clothing and Lodging, and that he shall not exceed the bounds of moderation, in correcting them beyond the merit of their offences; and that it shall be lawful for any Servant, giving notice to their Masters, having just cause of complaint against them, for harsh and bad usage, or else for want of Diet or convenient Necessaries; to repair to the next Commissioner to make his or their Complaint; and if the said Commissioner shall find by just proof that the said Servants cause of Complaint is just, the said Commissioner is hereby required to give order for the Warning of such Master to the next *County Court*, where the matter in difference shall be determined, and the Servant have remedy for his grievance.

*Servants too rigorously dealt withal, or wanting Necessaries, may make complaint to the Commissioners.*

CIV. *Against*

## CIV.

## *Against Unruly* Servants.

WHereas the Audacious Unrulinefs of many Stubborn and Incorrigible Servants, refifting their Mafters and Overfeers, hath brought many Mifchiefs and Loffes to divers Inhabitants of this Country. Be it Enacted and Ordained, That the Servant that fhall lay violent hands on his or her Mafter, Miftrifs, or Overfeer, and be Convicted thereof by Confeffion or Evidence of his Fellow Servant, or otherwife, before any Court in this Countrey, the fame Court is hereby Required and Authorized to Order fuch Servant to ferve his or her Mafter, or Miftrifs, or their Affigns, One year after his or her time by Indenture or Cuftom is expired. Be it Enacted, That no Perfon or perfons whatfoever, for any Offence committed, fhall be adjudged to ferve the Country as Collony Servants. *One Years Service to be given, for ftriking a Mafter or Miftrifs.*

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## CV.

## *Against Trading with* Servants.

WHereas divers ill-difpofed Perfons do fecretly and covertly Truck and Trade with other Mens Servants and Apprentices, who to the great injury of their Mafters, are thereby induced and incouraged to Steal, Purloyn, and Imbezle their Mafters Goods: Be it therefore Enacted, That what Perfon or Perfons foever fhall Buy, Sell, Trade or Truck with any Servant for any Commodity whatfoever, without Licence or Confent of the faid Servants Mafter, he or they fo offending againft the Premifes, fhall fuffer One Months Imprifonment without Bail or Mainprize, give Bond with Security for his good Behaviour; and alfo fhall Forfeit to the Mafter of the faid Servant Four times the Value of the things fo Bought, Sold, Trucked or Traded for. *No Perfon fhall Trade with Servants without Licenfe or Confent of their Mafters.*

English *ser-vants run-ning away in company with* Negroes.

at any time of Service to their own Maſters expired ſerve the Maſters of the ſaid *Negroes* for their abſence, ſ long as they ſhould have done by this Act, if they had no been Slaves, every *Chriſtian* in company ſerving his pro portion; and if the *Negroes* be loſt or die in ſuch time of their being run away, the *Chriſtian Servants* in com pany with them, ſhall by Proportion among them either pay Four thouſand five hundred pounds of *Tobacco* and *Cask* or four years Service for every *Negro* ſo loſt or dead.

## CIII.

## *Cruelty of* Maſters *prohibited.*

*Servants too rigorouſly dealt withal, or wanting* Neceſſaries, *may make complaint to the* Commiſſi-*oners.*

WHereas the Barbarous uſage of ſome Servants b cruel Maſters, brings ſo much Scandal and In famy to the Country in general, that peopl who would willingly adventure themſelves h ther, are through fear thereof diverted, and by that mean the ſupplies of particular men, and the well-ſeating of hi Majeſties Country very much obſtructed: Be it therefor Enacted, That every Maſter ſhall provide for his Servant competent Diet, Clothing and Lodging, and that he ſha not exceed the bounds of moderation, in correcting then beyond the merit of their offences; and that it ſhall b lawful for any Servant, giving notice to their Maſters having juſt cauſe of complaint againſt them, for harſ and bad uſage, or elſe for want of Diet or convenien Neceſſaries; to repair to the next Commiſſioner to mak his or their Complaint; and if the ſaid Commiſſioner ſha find by juſt proof that the ſaid Servants cauſe of Com plaint is juſt, the ſaid Commiſſioner is hereby requi ed to give order for the Warning of ſuch Maſte to the next *County Court*, where the matter in differenc ſhall be determined, and the Servant have remedy fo his grievance.

CIV. *Againſ*

## CIV.

## *Against Unruly* Servants.

WHereas the Audacious Unrulinefs of many Stubborn and Incorrigible Servants, refifting their Mafters and Overfeers, hath brought many Mifchiefs and Loffes to divers Inhabitants of this Country. Be it Enacted and Ordained, That the Servant that fhall lay violent hands on his or her Mafter, Miftrifs, or Overfeer, and be Convicted thereof by Confeffion or Evidence of his Fellow Servant, or otherwife, before any Court in this Countrey, the fame Court is hereby Required and Authorized to Order fuch Servant to ferve his or her Mafter, or Miftrifs, or their Affigns, One year after his or her time by Indenture or Cuftom is expired. Be it Enacted, That no Perfon or perfons whatfoever, for any Offence committed, fhall be adjudged to ferve the Country as Collony Servants.

*One Years Service to be given, for ftriking a Mafter or Miftrifs.*

## C V.

## *Against Trading with* Servants.

WHereas divers ill-difpofed Perfons do fecretly and covertly Truck and Trade with other Mens Servants and Apprentices, who to the great injury of their Mafters, are thereby induced and incouraged to Steal, Purloyn, and Imbezle their Mafters Goods: Be it therefore Enacted, That what Perfon or Perfons foever fhall Buy, Sell, Trade or Truck with any Servant for any Commodity whatfoever, without Licence or Confent of the faid Servants Mafter, he or they fo offending againft the Premifes, fhall fuffer One Months Imprifonment without Bail or Mainprize, give Bond with Security for his good Behaviour; and alfo fhall Forfeit to the Mafter of the faid Servant Four times the Value of the things fo Bought, Sold, Trucked or Traded for.

*No Perfon fhall Trade with Servants without Licenfe or Confent of their Mafters.*

## CVI.

## *No* Tobacco *to be Planted after the Tenth of* July.

WHereas it hath been taken into ſerious Conſidera-tion, that the Improvement of our only Commo-dity *Tobacco*, can no ways be effected but by leſſen-ing the Quantity and amending the Quality. And further That all Stints will prove clearly inconſiſtent with the be-ing of the Countrey, while *Maryland* remains a diſtinct Government, unleſs of ſuch a Nature as may produce both the aforeſaid Effects without Abridgement of any Mans En-deavours or confining him to any ſet Number of Plants; for which cauſe the Aſſembly hath Enacted, That no *Tobacco* be Planted after the Tenth of *July*; And that whoſoever ſhall directly or indirectly Plant, or Re-plant, or cauſe to be Planted or Re-planted any *Tobacco* after the ſaid Tenth of *July*, ſhall Forfeit Ten thouſand Pounds of *Tobacco*, to the uſe of the Publick.

*The Penal-ty of Tranſ-greſſing this Act.*

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## CVII.

## *No Seconds or Slips.*

ANd be it further Enacted, That what Perſon or Per-ſons ſoever ſhall tend, or ſuffer, or cauſe to be tended any ſecond Tops or Slips, ſhall Forfeit Ten thouſand Pounds of *Tobacco* to the Publick. Be it further Enacted, That what Perſon or Perſons ſoever ſhall Save, Pack, or Sell, or Send away any Ground Leaves, which are hereby required to be totally ſuppreſt, ſhall forfeit for every Hogshead proved to have the Quantity of Five Pounds of Ground-Leaf *Tobacco* in it, Five thouſand Pounds of *Tobacco* to the uſe of the publick. And it is further Enacted, That the Grand Jury ſhall take particular care of the Obſervation of this Act, and ſhall make due Preſent-ment to the County Courts of any ſuch as ſhall Plant or Tend any *Tobacco* contrary to the tenor hereof.

*Ground-Leaves of* To-bacco *ſhall not be pack'd up for Sale.*

CVIII. *Im-*

## CVIII.

### *Improvements of Staple Commodities.*

WHereas the uncertain Value of *Tobacco*, the Unstaplenefs of the Commodity, and the probability of its Planting in other places, threaten tqis Countrey with the danget of an unavoidable ruin, which must in time fall upon it by the increase of the makers of it among our selves (who have already so glutted all Markets, that great quantities are yearly left in the Country, and that which is sent out, sold at so mean and inconsiderable a Rate, as neither Merchant nor Planter can well subsist by) unless some other Course be speedily taken for Improvement of such other Commodities as the Country will produce, and making as many of them as we can into Manufactures, and giving Encouragement to all persons of what Ability soever to attempt it, which the former Acts for Encouragement to make Staple Commodities have been defective in, by only proposing Rewards to great quantities of every Commodity made, which whoever goes about, must if he fail, be ruined, or if he make the quantity proposed, will have no need of the gratuity, which is better to be suited proportionably to the meanest quantity. Be it therefore Enacted, That the Assembly this present year send into *England* for a considerable quantity of Flax Seed to be distributed into the several Counties, and deliver it to certain persons who may sell it out to several Inhabitants, and the produce thereof be paid the Year following with the levy, and the Country Stock by that means made good, according to the Fifth Act of Assembly 1661, to make their proportions of Flax. And whoever will Spin the Flax and Cause the Yarn to to be Weaved into Cloth of a Yard wide, shall for every Yard of Cloth so Woven of Yarn made of Flax grown in the Country, have Three Pounds of *Tobacco*. And for every Yard of Woollen Cloth made of Yarn here Spun in the Country, Five Pounds of *Tobacco*, which upon produce of Certificate from some Justice of Peace in the County, that he hath seen the same in Loome, and that to his knowledg it was really made in the Country as aforesaid, shall upon producing the same to the Governour and Council, be paid so much in the publick levy in the same County where they dwell.

Flax-Seed *to be distributed into each County.*

*Allowance for every Yard of Linnen and Woollen Cloth made of the product of the Country by the publick.*

## CIX.

## *An Act for* Mulberry-Trees.

VVHereas by experience Silk will be the most Profitable Commodity for the Country, if well managed : And whereas the greatest conducement thereunto required, is Provision of *Mulberry-Trees* : Be it Enacted and Confirmed by this present Grand Assembly, That every Proprietor of Land within the Collony of *Virginia*, shall for every hundred Acres of Land holden in Fee, Plant upon the said Land, Ten *Mulberry-Trees* at twelve foot distance each from other, and secure them by Weeding and a sufficient Fence from Cattle and Horses, &c. between this and the last of *December* 1663; and for every Tree that shall be wanting and untended in manner aforesaid, of the said Proportion, at the said last of *December* 1663, he the said Proprietor that shall be so delinquent, shall pay Twenty pounds of *Tobacco* to the publick : Provided that this Act do not extend to *Orphans*, until the Expiration of Five years after their full age; and then if deliquent, to be liable as aforesaid, and no man planting more then his number, shall excuse any that hath planted less : Provided also that this Act extend not to such Proprietors as are not in actual possession. And because his Majesty hath taken particular notice of the great folly and negligence of the Country, in omitting the propagation of so Noble and Staple a *Commodity* : It is Enacted, That the Grand Jury do strictly inquire into the Breach of this Act, and make Presentment thereof, that the Offenders may accordingly be punished : And be it further Enacted, That for the encouragment of all Persons that shall endeavour to make Silk, there shall be allowed in the Publick Levy to any one for every pound of Wound Silk he shall make, Fifty pound of Tobacco, to be raised in the Publick Levy, and paid in the *County* or *Counties* where they dwell that make it.

*Ten Mulberry Trees shall be Planted upon every hundred Acres of Land holden in Fee.*

*The Penalty of delinquency.*

*Fifty pound of Tobacco allowed by the Publick for every pound of Wound Silk.*

## CX.

## *Encouragment to build* Vessels.

FOr Encouragement of building *Vessels* in this *Country* and the promoting of Trade: Be it Enacted, That whoever shall build a *Vessel* of any burthen decked and fitted to go to Sea, shall for every Tun burthen the said *Vessel* shall contain, receive upon proof of her being so built, Fifty pound of Tobacco out of the Publick Levy.

*Fifty pound of Tobacco per Tun allowed by the Publick for all Vessels built in this Colony.*

Whereas Collonel *Edmund Scarbrough* hath to his particular great Charge, but to the Infinite good of the *Country*, erected a Salt Work, for which he hath received deserved Thanks the last Assembly, this Assembly for his greater Encouragment, hath thought fit to grant him the use of Money raised this year out of the Two Shillings *per* hundred in *Northampton County*; with condition that he make repayment of the same to those the Assembly shall allot it the next year, in Salt at Two Shillings and Sixpence *per* Bushel, and Soap at And be it further Enacted, That after the first of *September* 1663, no Master of Ship, Barque or Vessel, or any other person, Merchant or Trader, shall bring in any Salt into the Country of *Northampton*, under the Penalty of confiscating his Ship, Barque or Vessel, and goods, to the end that he and others may be encouraged in their industrious Endeavours to promote the Good of the Country.

*Salt-Work.*

## CXI.

## Tan-Houses *to be* Erected.

BE it also Enacted, That according to the first Act of Assembly 1660, there be Erected in each *County*, at the Charge of the County, one or more Tan-Houses; and that they Provide Tanners, Curriers and Shoomakers, to Tan, Curry, and make the Hides of the Country into

Leather and Shooes; and that the persons intrusted with the over sight of the Work-men, and the managing the Trade, do allow to the Inhabitants of the County for ever dry Hide they bring, at the rate of Two pounds of Tobacco per pound, and sell their Shooes for Thirty pounds of Tobacco for plain Shooes, and Thirty five pounds of Tobacco for Wooden-heels, and French-falls of the Six largest Sizes, and Twenty pounds of *Tobacco* a pair for the smallest Shooes.

*Prices to be allowed for Hides.*

*Rates for Shooes.*

## CXII.

## *Two Acres of* Corn *for each Tythable.*

BE it hereby Enacted, That all persons within this *Colony*, shall Plant or Tend for every Tythable person tending a Crop in their Family, Two Acres of Corn or Pulse, under the Penalty of Five hundred pounds of Tobacco for every Acre neglected as aforsaid, to be paid by the Delinquent, and to be levied by the Sheriff for the Counties use; and the Grand Jury in their several Limits to look strictly after the breach of this Act. And for Encouragement for Men to sow *English* Wheat, which may be a Staple Commodity to vent out of the Country; It is further Enacted, That the sowing of one Acre of Wheat shall excuse the planting of the two Acres of *Indian* Corn, or other Corn or Pulse, as this Act enjoyns.

*Or one Acre of English Wheat.*

## CXIII.

## *Stray-Horses*, &c.

FOr remedy of the great abuse and wrong done in taking up of Stray-Horses, Cattel, and Boats lost, not only in concealing them, but in using and imploying them to the hurt and damage of the Owners: Be it Enacted by this present Grand Assembly, That every person or persons that shall take up and keep any Stray-Horse,

Cattle

Cattle, or Boat, shall cause the said Horses and Cattle, with the Mark, Stature and Colour, and the said Boat, with her Proportion, and what was found in her, to be cried publickly in all the *Churches* and *Chappels* in the *County*, within one Month after the taking them up; and in the mean time securely to lay up the said Boat: And if no Owner appear upon this Publick Notice given, then to publish the same, and set it up in Writing at the next *County Court*; where if no Owner appear, then it shall be lawful for him to make use of the said Boat until the Owner do appear; who shall allow him for his pains One hundred pounds of Tobacco.

*Stray Horses, Cattle, &c. shall within a Month after they are taken up, be Cried publickly in all the* Churches *and* Chappels *of the* County.

***What to be done in case the Owner be not found.***

## CXIV.

### *Free Trade.*

BE it Enacted, That Free-Trade be allowed to all the Inhabitants of this *Country* to buy and sell at their best advantage; and that all Acts concerning Ingrossing be from henceforth repealed and made void: Provided always, that no person or persons shall have any Commerce or Trade with any *Indians* for *Beaver*, *Otter*, or any other Furs, except those commissionated by the *Governour*.

*Trade permitted with the* Indians.

***But not for*** Beaver, Otter, ***or any other Furs without Commission.***

## CXV.

### *Exportation of* Hides.

WHereas the Exportation of Hides, Wooll, and Iron, is generally conceived to be much prejudicial to the Common-Wealth and good of this Collony: Be it therefore Enacted by the Authority of this present Grand Assembly, That what person or persons soever shall export out of this Country either Wooll, Hides or Iron, shall for every

***Hides, Wooll, and Iron, shall not be exported.***

every of their Offences in ſo doing, pay as followeth, *viz.* for every Hide ſo exported the Sum of One thouſand pounds of Tobacco; and for every pound of Iron Ten pounds of Tobacco, and for every pound of Wooll, Fifty pounds of Tobacco; the one half of which ſaid Payments and Forfeitures ſhall be paid to the Informer, and the other half to the Publick.

## CXVI.

## *Exportation of* Money.

*Pieces of Eight ſhall paſs for Five Shillings Currant.*

*No perſon ſhall export above the Sum of Forty Shillings.*

BE it hereby Enacted by this Grand Aſſembly, That no falſe Money ſhall paſs for Currant in this Countrey, but pieces of Eight that are good and of Silver, ſhall paſs for Five Shillings Currant Money, upon Penalty of Twenty Shillings to be paid by the Refuſers of them: And that none ſhall export Money out of this Country above the Sum of Forty Shillings; If any ſhall exceed the ſame Sum to forfeit double thereof.

## CXVII.

## *Size of* Virginia-Hogſheads.

Virginia *Hogſheads ſhall be 43 Inches in length, and the heads 26 Inches over.*

IT is Enacted upon the complaint of divers Maſters and Merchants of Ships againſt the incertainty and extraordinary Size of Cask which hath been very much prejudicial to them, That a certain Size of all *Tobacco* Cask of *Virginia*-Hogſheads ſhall be as followeth, *viz.* Forty Three Inches in length, and the head Twenty ſix Inches wide, with the Bouge proportionable; and whoever ſhall make Cask of a greater ſize, ſhall pay upon proof made to any Court, if he be a Freeman, otherwiſe his Maſter or Miſtriſs that imploys him, Three thouſand Pounds of *Tobacco*, the one half to the Informer the other half to the County where the

the Cask is made. And if any Cask shall be made of Timber not seasoned, then such Cask to be burnt.

## CXVIII.

## *Against private taking away Boats.*

FOrasmuch as divers persons suffer great Damages by private and concealed taking away Boats of Canoos without Licence from the Owners thereof: It is Enacted and Confirmed by the Authority aforesaid, That the Commissioners of each County Court shall be hereby impowered (if required) to order and give satisfaction from the party so trespassing to those injured by want of his or their Boat, Boats, or Canoos, Five hundred Pounds of *Tobacco* Penalty to the Owner, and what Damage the Boat sustains.

## CXIX.

## *Against Shooting.*

WHereas it is much to be doubted the common Enemy the *Indians*, if opportunity serve, will suddenly Invade this Country and bring it to a total Subjection of the same; And whereas the only means for discovery of their Plots is by Alarums, of which no certainty can be had, in respect of the frequent Shooting of Guns in Drinkings, whereby they proclaim and justifie that beastly Vice: Be it therefore Enacted, That what Person or Persons soever, shall after publication hereof Shoot any Guns at Drinkings or Marriages (Burials excepted) such person or persons so offending shall forfeit Two hundred Pounds of *Tobacco* to the publick, to be levied by distress in Case of refusal.

*Shooting off Guns at Drinkings or Marriages forbidden.*

## CXX.

## *Supply of* Ammunition.

*Every person able to bear Arms, shall keep in his House a Gun, 2 l. of Powder, and 8 l. of Shot.*

BE it Enacted, That a provident Supply be made o Guns, Powder, and Shot to our own people, an this strictly to be looked to by the Officers of the Mi litia; *viz.* That every man able to bear Arms, have in hi House a fixed Gun, two pounds of Powder, and eight pound of Shot at least; which are to be provided by every man fo his Family before the last of *March* next: And whosoeve shall fail in making such provision, to be fined Fifty pound of Tobacco, to be laid out by the County Courts for a Com mon Stock of *Ammunition* for the County; the Enquiry r ferred to the Grand Jury.

## CXXI.

## *Against Exacting* Millers.

*Millers shall receive in Corn, and deliver it out by Statute Weights and Scales.*

WHereas by a Second Act of a Grand Assembly An 1645; It was Ordered and Established, for the R forming the great abuse of Millers in Exact Excessive and Illegal Toll, That no Person Persons using or occupying any Mill, should take or rece for the Grinding of any Grain, or exchanging it for M above the sixth part thereof for Toll; which Act hath taken such Effect as was intended thereby, in respect as conceived, neither Penalty was imposed therein upon Offendor, nor the Execution thereof was given in dire on to any particular Officer. It is therefore thought fit enlarge the said Act, and by Vertue thereof to require Millers and Owners of Mills, to provide by the Five twentieth day of *June* next come Twelve-month, Stillia or Statute Weights and Scales, by which they are to rec in and deliver out all Grain: And that they do sufficie grind and exchange the said Grain so brought, upon the nalty (in case they do exact beyond the said propor for grinding or exchanging, or in case of default of

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Weights or Scales, or for not sufficiently grinding) of the sum of One thousand pounds of *Tobacco*, and that the *Grand Jury* enquire thereof. *Penalty upon* Millers Exactions.

## CXXII.

## *Against* Exportation *of* English Goods.

WHereas the necessities of this Countrey are relieved chiefly by the *Importation* of *English Goods*, and that relief much obstructed by many that bring in unnecessary Commodities, and make sale thereof for *Tobacco*; which they again truck for *Substantial Commodities*, as *Cloathing* and the like: and by that means leave the Countrey destitute of its own Supplies: It is hereby Enacted, That what person or persons soever, shall after the First of *June* next export out of the Collony any *English Goods*, not by him formerly imported, shall upon discovery forfeit such *Goods*, and be fined the value, the one half to the Informer, and the other to the Publick.

## CXXIII.

## *No* Mares *or* Sheep *to be transported.*

IT is also Enacted, That no *Mares* or *Sheep* be transported out of the Countrey, upon treble the value to be forfeited by the Offendor, and by him paid, one half to the *Informer* and the other half to the *Publick*.

CXXIV.

## CXXIV.

## *Against* Selling *of* Rum *but in places ap-pointed.*

*Six pence payable for every Gallon of* Rum,*and One penny for every pound of* Pavele Sugar *brought on Shore at any other* Port *than is appointed by the* Assembly.

WHereas the excessive abuse of *Rum* hath by exper ence been found to bring Diseases and Death to d vers people, and the purchasing thereof made b the exporting and unfurnishing the Countrey o its own Supplies and Staple Commodities: It is Enacted That what Vessel soever shall after the First of *March* 166 except such as belong wholly to Inhabitants of this Cou trey, bring in them any *Rum* or *Pavele Sugar*; the sa Vessels so bringing it in, shall not unload or sell the same any place or places, but such as are by Act of Assembly a pointed Ports for the vent of the said Commodities; an shall bring the same on Shore, and enter the quantity, an pay for every Gallon of *Rum* Six pence Custom, and for very pound of *Pavele Sugar* One penny, before they sh be permitted to sell or dispose of any part thereof.

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## CXXV.

## *Against* Stealing *of* Hoggs.

Hogg-Stealers *shall pay* 2000 l. *of* Tobacco, *half to the Owner, and half to the Informer.*

*Or else shall serve two years, one to the Owner, and one to the Informer.*

WHereas the Stealing and Killing of *Hoggs* is a Cri usually committed; and seldom or never detec or prosecuted in this Collony: Be it therefore E acted, That for the better prevention thereof, that who ver shall steal or unlawfully kill any Hogg which is not own; and the said Fact being proved by sufficient Eviden he or they so offending, shall pay to the Owner of the s Hogg One thousand pounds of *Tobacco*, and One thous pounds of *Tobacco* to the Informer. And in case of inab ty to pay and satisfie the said Sums, the person so offend shall serve Two years; *viz.* One year to the right Owner the said Hogg, and the other to the Informer. And if

person be found to bring home any Hog or Hogs so killed, without their Ears, shall be adjudged a Hog-stealer, and to be proceeded against accordingly. And that such persons as shall receive such Hogs into their Houses, and not immediately discover the same to the next Commissioner, then such Receiver shall be proceeded against as if he had been an Actor in the Trespass. And in case the Owner of the Hog inform, he to have both the Fines.

## CXXVI.

## Masters *of* Ships *to provide Four Months* Provision.

*Masters of Ships shall give sufficient Allowance of Diet to Passengers. And take care that poor Servants have good Lodging.*

BE it Enacted, That all Masters of Ships shall be obliged hereby to provide Four Months allowance of Victuals for Passengers at their setting forth from the *Downs* or other Ports of *England*, and to give the Passengers sufficient allowance of Diet all the Voyage: And Commanders of Ships respectively, to take care that poor Servants do not want Bedding in the Voyage. In which particulars aforesaid, if any shall offend, they shall be liable to grievous Censure here according to the merit of the Offence.

## CXXVII.

## *Concerning* Passes.

*No Master of a Ship shall Transport any person out of this Collony; except the said person produce a Pass.*

BE it also Enacted and Confirmed, That no Master of any Ship, Vessel, Boat, or Barque, shall transport any person or persons out of this Collony, except the said person or persons produce a Pass under the hand of the Secretary, or such whom he shall depute or appoint, upon the penalty to pay all such Debts as any such person shall

ſtand indebted to any perſon within this Collony at h their departure, and pay a Thouſand pounds of Tobacc the Secretary for his Contempt. And it is further Ena That before any ſuch Paſs ſhall be ſigned to any perſon, h they ſhall bring a Certificate from the *Monthly Court* w he or they reſide, that he hath ſet up his Name upon a C day, ten days at leaſt before his departure, at the *Co Court* where he reſides: Or otherwiſe ſhall put in ſuffic Security for the payment of all Debts that are due or ing from them to any perſon within this Countrey, or Name to be publiſhed and ſet up at the Church door Sundays in each Pariſh in the County where it is preſu all perſons will be; and the Readers Teſtimonial to the C ſhall be ſufficient Warrant for him to grant a Certific And the Secretary and Security after a year and a day to diſcharged.

*The Method to be obſerved in granting ſuch Paſſes.*

## CXXVIII.

## *Impoſitions of* 2 s. *each* Hogſhead.

THis preſent Grand Aſſembly of *Virginia*, taking in ſerious Conſideration the burthenſome and unequ way of laying Taxes by the Pole, and how th may with moſt honour and eaſe ſupport the Gover ment, in well paying his Majeſties Officers, and as mea perhaps of introducing Money, and an Encouragement Men to produce other uſeful and beneficial Commoditie have thought fit to impoſe two Shillings *per* Hoſhead up on every Hogſhead of Tobacco that ſhall be Shipped o Board of any Ship or other Veſſel within *Virginia* to be ex ported; and the Collectors of the ſaid Impoſition to diſpo of no part thereof, but by order of the Grand Aſſembly on ly: Be it therefore Ordained and Enacted by this preſen Grand Aſſembly and the Authority thereof, And it is here by Enacted, That the Maſter and Maſters of all and ever Ship and Veſſel coming to Trade in *Virginia*, ſhall upo demand made by the Collector or Collectors, who ſhall b order of Aſſembly be impowered to receive the ſaid Impoſi tion from every Ship or Veſſel, enter into ſecurity to pa ſuch Collector or Collectors two Shillings for every Hogſ head

head of Tobacco, that ſhall upon any account whatſoever be Shipped on Board his Ship or Veſſel to be exported: The ſaid Payment either to be made in Money, Bills of Exchange, or Goods at Thirty *per Cent.* Advance upon the Price of ſuch Goods at the firſt Penny, and all Freighters to be accomptable to the ſaid Maſters for the Tobacco by them Shipped.

Be it alſo Ordained and Enacted by the Authority aforeſaid, for the diſcovery of the number of Hogſheads each Ship or Veſſel contains, that the Maſter of ſuch Ship or Veſſel ſhall deliver his Boats-ſwains Book to the peruſal of the Collector, and make Oath of the Truth of the ſame ſo far as he knoweth; and that the Mates, Boats-ſwain, or any other Sea man be ſworn, if the Collectors ſee cauſe to diſcover the Truth of the ſaid Freight.

*Maſters of Ships ſhall give an Account of their Freight to the Collector upon Oath.*

And if any Maſter of Ship or Veſſel, ſhall wittingly or willingly conceal any part of his Freight from the Collector, and ſhall thereof be lawfully convicted; then the ſaid Maſter ſhall forfeit for every ſuch Offence the Sum of One hundred pounds *Sterling*, one Moiety thereof to go to the Informer, and the other to the Publick, and to be recovered by Action of Debt, Bill or Plaint in General Court or County Court, by vertue of this Act, againſt which no Aſſoin, Wager of Law or Protection to be allowed to any Perſon ſo offending: Be it further Enacted and Ordained, That if any Maſters ſhall paſs Bills of Exchange for the ſaid Impoſition, that then the Collectors are hereby required to take ſufficient Caution of the ſaid Maſter for the true and good Payment of the ſame: It is hereby alſo Ordained and Enacted, That the Collectors of the ſeveral Rivers and Places in *Virginia*, for the Receiving of the ſaid Two Shillings *per* Hogſhead, be appointed and confirmed by this preſent Grand Aſſembly, and give ſufficient Security and Caution for the due Execution of the truſt thereby repoſed in them; and to be accomptable to the next Aſſembly according to the tenor of this Act; and the ſaid Collectors to be allowed Ten *per Cent.* ſallery for collecting the ſaid Impoſition: Provided always, and it is hereby Ordained and Enacted by the authority aforeſaid, That this preſent Act of Aſſembly be and remain in force.

*Maſters of Ships concealing any part of their Freight, fined* 100 l. *Sterling.*

*The Collectors Sallary.*

CXXIX. *Every*

## CXXIX.

## *Every Inhabitant in* Northumberland *and* VVestmorland *Counties to give an Account how many Hogsheads of* Tobacco *they made, and to whom sold.*

WHereas the Imposition of Two Shillings *per* Hogshead cannot conveniently be levied upon Masters of Ships that come into *Potomack* River, by reason of their Anchoring in the Dominions of the Lord *Baltemore*, whence they send their Sloops and Boats to fetch the *Tobacco* made in this Country without paying the said Imposition. Be it therefore Enacted, That every Planter in the Counties of *Northumberland* and *Westmorland*, shall certify into the Collectors Office, or unto his Deputy, the number of Hogsheads of *Tobacco* made by him and his Family, and to whom they are sold, and shall not suffer any of the said Hogsheads of *Tobacco* to be carried out of his House until he receive Certificate from the said Collector, that the Imposition of the said *Tobacco* is paid: And if any Planter shall contrary to this Act, suffer any of his *Tobacco* to be carried on board any Ship, Boat, or Sloop,; without such Certificate, then the said Planter to be Fined 20 *s.* for every Hogshead so carried away without Certificate as aforesaid.

Whereas the like inconveniences are incident to *Northampton* County and lower *Norfolk*, in recovering the Impositions of Two, and Ten Shillings *per* Hogshead; as to the River of *Potomack*, by reason of the transportation of much of the *Tobacco* made in those places in Sloops to *Mary-Land*: Be it Enacted, That the Provitional Act made the last Assembly for Payment of those Duties in *Potomack* River, extend and be in force in the said Counties of *Lower Norfolk* and *Northampton*, and that the Collectors appoint certain Persons to take accompt of the Planters according to the tenor of this Act.

CXXX. *Pay-*

## CXXX.

## *Payment of* Fort-Duties *in* Accomack, &c.

WHereas there is an Act of the laſt Aſſembly providing for the ſecuring of the payment of the 2 *s. per* Hdd. due to the Countrey, but no Proviſion made therein for the ſecuring the payment of Fort Duties of *Potomack*, *Accomack*, and *Lyn Haven*, from whence they fetch their *Tobacco* in Sloops: Be it Enacted, That the ſaid Act ſhall extend as well to cauſe the Planters loading it, to reſerve and make payment of Three Pence *per* Hogſhead for Fort Duties of the ſaid *Tobacco*, as for the payment of the 2 *s. per* Hogſhead.

*Three pence* per *Hogſhead payable for Fort Duties in* Accomack, &c.

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## CXXXI.

## *Ten Shillings* per Hogſhead,

WHereas the prudence of all Nations hath provided for the defraying the publick neceſſary Charges of the Countrey, rather by laying an Impoſition upon the Adventurers for the Staple Commodities of the Countrey, by the exportation of which the greateſt advantage accrues, then by taxing the perſons of the Inhabitants; this preſent Grand Aſſembly endeavouring as much as in them lies, to eaſe the burthen of the People; and taking into Conſideration the great benefit that accrues to other Countreys, by the Cuſtoms ariſing from our Commodity *Tobacco*; and that *Virginia*, whoſe particular Staple it is, hath from it, nor from the Adventurers hither, no publick advantage; We have thought it neceſſary and convenient, and accordingly have Enacted and Confirmed, That all Merchants, Maſters of Ships and Mariners, trading to *Virginia*, and not bound by Charter-party to return and diſcharge in any of the *Engliſh* Dominions in *Europe*, ſhall pay for every Hogſhead

head of *Tobacco*, they shall load aboard any Ship, Barque or other Vessel, arriving here after the First of *August* next and not bound as aforesaid, Ten Shillings *Sterling* either Money or good Bills of Exchange, with good Caution or in good valuable Commodities, at 25 *per Cent.* Advance. Provided always, That all Adventurers Inhabitants of this Countrey, trading in Bottoms belonging to *Virginia* Owners, shall be free from the said Imposition; it tending to the advancement of Trade here, and the incouragement of the Inhabitants to purchase Vessels, and of Mariners to make this their place of Residence.

*Inhabitants of this Countrey trading on Bottoms belonging to* Virginia-*Owners, freed from payment of the* 10 s. per *Hogshead.*

## CXXXII.

## Castle-Duties *to be Paid.*

WHereas the Castle-Duties granted by his Majesty to Collonel *Francis Morrison*, Captain of the Fort at *Point-Comfort*, are rendred of no value by the Charge of Boat and hands going to Collect them, and the inconsiderableness of the Commodities they are paid in, being commonly the refuse of their *Cargo*: Be it therefore Enacted, That all Masters of Ships and other Vessels, being thereunto required by the Officer appointed by the said Collonel *Morrison*, shall give in a true Burthen of their Ships or Vessels, and the List of their Passengers, at such convenient places, and to such persons, as the said Collonel *Morrison* shall in each River appoint, upon Oath to be administred by his said Collector or Officer, if a Commissioner, or else by any one or two Commissioners; and if any Master shall make false Entry either of his Burthen or List of Passengers, then he shall upon proof thereof made, pay Treble Duties for the number of Passengers or quantity of Tuns concealed; the same to be recovered out of the Estate of the Master so offending; and the like Penalty upon all such Masters, as shall without coming into Harbour fetch away their loading in Sloops or Boats: And what Master soever shall not pay his Duties in kind, being half a pound of Powder, and three pound of Leaden-Shot *per* Tun, and Six pence *per* Poll for every person imported, not being a Mariner, that then he shall pay in lieu thereof One Shilling *per* Tun, and Six pence *per* Poll, either in Mon[ey]

*Masters of Ships shall give an Account of the Burthen of their Vessels; and a List of their Passengers, to the Collector of Castle-Duties.*

*Half a pound of Powder,* 3 *l. of Leaden Shot, and* 6 *d.* per *Poll, payable for Castle Duties.*

Money or Goods, as they cost at the first Penny; and that the Collectors thereof transmit the said Entries of Ships and Passengers, under the hand of the said Masters, to the said Collonel *Morrison*, to be by him recorded in his *Fort-Book*, as formerly hath been accustomed.

## CXXXIII.

## Ships *to come up to* James City.

WHereas the Kings Majesties frequent Instructions, hath Commanded that all Masters of Ships arriving in this Countrey, should before they break Bulk bring up their Ships to *James City*, which by reason of the seating of the Inhabitants in divers Rivers, cannot without much prejudice to the said Masters extend to all parts of the Countrey; yet that his Majesties Commands may as much as in us lieth be effectually obeyed; We the Governour, Council, and Burgesses of this Grand Assembly, have thought fit to Enact, and be it Enacted by the Authority aforesaid, That all Ships whatsoever arriving in *James* River, do accordingly with the first Fair Wind and Weather after their arrival, bring up their Ships to *James City*, and there make Entry of their Ships, take out Licence to Trade, and perform such other things as they shall be there certified the Laws of the Countrey do enjoyn them.

*Ships arriving in* James *River, shall be brought up to* James *City.*

## CXXXIV.

## *Priviledge of* Virginia-*Owners.*

WHereas some doubts have arisen about the priviledge of *Virginia*-Owners and their exemption from the payment of the Duties of Two, and Ten Shillings *per* Hogshead: Be it Enacted and Declared, That the said Priviledge is granted only to the Owners and Adventurers in such Vessels as solely and wholly

*Such Vessels only as solely and wholly belong to the Inhabitants of this Collony freed from payment of the 2 s. and 10 s.* per *Hogshead.*

wholly belong to the Inhabitants of this Countrey, and no to such persons as are only Partners of Vessels, whose oth Partners dwell in other Countreys, and the Governour b Judge of such Proprieties and certifie the same to the Co lectors.

## CXXXV.

## *A Publick* Notary *appointed.*

VVHereas for want of a Publick Notary, the Ce tificates and other Instruments to be sent o of this Countrey, have not that Credit give them in Foreign parts as duly they ought: Be it therefo Enacted, That *Henry Randolph* Clerk of the Assembly, be a thorized and sworn a Publick Notary for this Countrey, whose attestation at home and abroad We desire all Cr dence may be given.

## CXXXVI.

## *Acts concerning the* Indians.

WHereas the mutual Discontents, Complaints, Je lousies and Fears, of *English* and *Indians*, pr ceed chiefly from the violent Intrusions of dive *English* made into their Lands, forcing the *In dians*, by way of Revenge, to kill the Cattle and Hogs the *English*; and by that means Injuries being done both sides, Reports and Rumours are spread of the host Inventions of each to others, tending infinitely to the sturbance of the Peace of his Majesties Countrey; and whe as the Laws prohibiting the purchase of any *Indians* Lan (unless acknowledged at *General Courts* or Assembli by reason it is as easie to fright them to a publick as w as a private acknowledgment) are made fruitless and ine

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ctual, corrupt Interpreters often adding to this Mischief, by rendring them willing to surrender, when indeed they intended to have received a confirmation of their own Rights, and a redress of their Wrongs; which Mischiefs had they continued, must needs have involved the Countrey into an inevitable and destructive War: For Remedy of which Inconveniences, and that for the future a sure equitable Peace may be established, the Governour, Council, and Burgesses, out of their tender care of Justice, and the Peace of this his Majesties Countrey; have Enacted, Ordained and Confirmed, and do by these presents Enact, Ordain, and Confirm, That for the future, No *Indian* King or other, shall upon any pretence alien or sell, nor no *English* for any Cause or Consideration whatsoever, purchase or buy, any Tract or parcel of Land now justly claimed, or actually possessed by any *Indian* or *Indians* whatsoever; all such Bargains and Sales hereafter made or pretended to be made, being hereby declared to be invalid, void, and null, any Acknowledgment, Surrender Law, or Custom, formerly used to the contrary notwithstanding: And further, That the *Indians* properties in their goods, be hereby assured and confirmed to them, and their persons so secured, that whoever shall defraud or take from them their Goods, or do hurt or injury to their persons, shall make such Satisfaction, and suffer such Punishments as the Laws of *England*, or this Countrey do inflict, if the same had been done to an *English-man*.

No Purchase *shall be made by the* English, *of any Lands now justly claimed or actually possessed by the* Indians.

No Inju*ries shall be done to the* Indians.

And be it further Enacted, That what *English-man* hath already, contrary to the Laws formerly in force, for surrendring and acknowledging *Indians-Lands*, made incroachments or seated upon them, shall if they make not good proof of their Title, upon Complaint made, be by Order directed to the Sheriff to execute, removed from their seats of Land thus wrongfully incroached; and all Houses by them, built upon the said Lands be demolished and burned.

And be it further Enacted, That all *English Men* having by Surrenders made at Quarrter-Courts or Assemblies, procured a colourable right to any Land, by the said *English* now seated within Three Miles of any *Indians*, for prevention of the injuries done to the *Indians* by the said *English* Mens Hogs and Cattle, shall send such number of hands as they

*Such of the* English *as are seated near the* Indians, *shall assist them in making a* Fence.

they ſhall be appointed by Commiſſioners to be authori by the Governor, to help the *Indians* to fence in a Corn Fi proportionable to the number of Perſons the ſaid *Ind* Town doth conſiſt of ; and that after ſuch Fence once m ſufficiently , according to the Act of the Aſſembly , if *Indians* keep it not in repair , what damages ſoever th ſhall afterwards ſuſtain, ſhall be at the hazard and ſole loſ them the ſaid *Indians*.

And be it further Enacted, That for the better relief of poor *Indians*, whom the ſeating of the *Engliſh* hath forc from their wonted conveniences of Oyſtering, Fiſhing, a Gathering Tuchahoe Cortenions, and other wild Fruits, which they were wonted for a great part of the year to ſu ſiſt: Be it therefore Enacted, Granted, and Confirmed, T the ſaid *Indians*, upon addreſs made to Two of the Juſti of that County, they deſiring to Oyſter , or Gather W Fruits in as aforeſaid; they the ſaid Juſtices ſhall grant a l cence to the ſaid *Indians* to Oyſter or gather Wild Fruits, aforeſaid : Provided the ſaid Juſtices limit the time t *Indians* are to ſtay ; and the *Indians* bring not with the any Guns or Ammunitions, or other offenſive Weapons, b only ſuch Tooles or Implements as ſerve for the end of th coming : And if any *Engliſh Man* ſhall preſume to ta from the *Indians* ſo coming in, any of their Goods , or ſh Kill, Wound, or Maim any *Indian*, he ſhall ſuffer as if he h done the ſame to an *Engliſh Man*, and be Fined for his co tempt.

*Poor* Indians *may be licenced to Fiſh for* Oyſters, *and gather* Wild Fruits. *Provided they come not Armed.*

And becauſe many under-hand and unlicenſed Traders truck and trade with the Indians (contrary to the Act of A ſembly, and to the great prejudice of all ſuch as legally pr cure Commiſſions from the Governour) under pretence th the things trucked for be given them by the Indians : Be therefore Enacted , That what perſons ſoever, ſhall upon ny pretence whatſoever , buy, take, or receive , any thin or commodity , from an Indian , ſhall upon proof there at any Court, be ordered to pay treble the value of the thin received , to the perſon injured thereby.

*No perſon whatever ſhall buy or receive any* Commodity *of the* Indians, *without licence.*

And becauſe ſometimes differences may ariſe between th Indians and thoſe they trade with , which if we ſhould pro ceed by way of Arreſt , might tend much to the diſturban of the peace of the Countrey : Be it therefore Enacted, Th any Commiſſionated Trader having a Difference with any In dian King or other , ſhall repair to the Governour for him o

*Differences ariſing in Trade with the* Indians, *ſhall be referred to the Governour.*

ſuc

such other as he shall appoint, to determine the matter in controversie between them.

*No person shall Imprison any* Indian *King without Warrant from the Governour and two of the Council.*

And because the imprisonment of an Indian may bring a War upon the Countrey, and consequently the making of Peace and War being wrested out of those hands it is by his Majesties Commission intrusted, into the power of every Individual in the Countrey: Be it therefore Enacted, That no person of what quality soever, presume to imprison any Indian King, without a special Warrant from the Governour and two of the Council, as they will answer the contrary at their uttermost peril.

*Bounds betwixt the* English *and the* Indians, *shall be fixt. And Commissioners thereto appointed, shall view the same annually.*

And because this Act cannot be put in Execution without Commissioners to view the present Bounds of the English and Indians: Be it therefore Enacted, That the Honourable Governour be desired and authorized to appoint uninteressed persons Commissioners, to go with parties of Horse to the several Indian Towns, and there to proclaim these and the following Articles of Peace between us and the Indians, to settle the Bounds between us, and to appoint others of the most integrity, to fix the time and assess the Work, to help the Indians fence, and all other things by this Act enjoyned. And for prevention of future Intrenchments beyond the Bounds once fixed, Be it further Enacted, That the Governour be desired and authorized to commissionate certain Persons annually to visit the same, and to take care that no intrenchment be henceforth made upon the *Indians*.

Indians *shall not come within the bounds of the* English, *without Badges.*

And because an interval between the *Indians*, cannot in the present nearness of seating, be so laid out as may wholly secure the *English* from the *Indians* coming in and pilfering things from them, if a free entercourse be admitted: Be it therefore Enacted, for the prevention thereof, and to the end that the Nations may be distinguished, and so if they are taken in the manner of doing any injuries, the sufferers know to what Kings to address themselves for remedy, That Badges( *viz.* Silver Plates and Copper Plates, with the Name of the Town graven upon them, ) be given to all adjacent Kings within our protection; and that all the said Kings give it in charge to their People, that none of them presume upon what occasion soever, to come within the *English* Bounds without those Badges upon them, or one with a Badge in

their

their company; and if any damage or injury be done to an *English Man* by them or any of them, that then the King or Great Man of the Place the Badges denote, shall be answerable for it; and if any shall, notwithstanding this Injunction be found in our Bounds without any such Badge, or not accompanied with one that shall have them, that then it shall be lawful for any *English Man* to carry him or them before any Justice of the Peace, who shall keep him or them in safe custody, until their King or Great Man ransom them, by paying One hundred Arms length of *Roranoake* for each *Indian* so taken, to be disposed of by the Publick: Provided always, That if any *English Man* shall be found or proved to have taken away any of their Badges, thereby to make the *Indians* guilty of breaking this Law, That then the person so offending shall be set in the Pillory two hours on the Court-day, in the County where they have committed the Offence, with their Fault in great Letters written upon them, and to be fined Five thousand Pounds of *Tobacco* to the use of the Publick; and in case of disability, lie Six Months in Prison without Bail or Main-prize: And be it further Enacted, That all *Indian* Kings Tributary to the *English*, when they have the least notice of any March by any strange *Indians*, near our Quarters, shall repair themselves, or at least send some one of their Great Men, to the next of the *Militia*, which shall be nominated and appointed by the Governour for that purpose, and acquaint him with as much as they know concerning the Nation, the Numbers, and which Way they conceive they will bend their Course; and if they then shall desire any aid from us to secure them, that a Party be sent presently out by the Collonel of the *Militia* to that purpose; which by this our assistance and reciprocal care, will make them and us have an equal interest in each others preservation; while on the other side we being ignorant of the Marches of Forreigners, impute all damages we then receive which is then commonly most to our Neighbours, how innocent soever.

Indian *Kings who are tributary to the* English, *shall acquaint them of any Invasion they know of, intended by any strange* Indians *upon this Collony.*

And it is further Enacted, That if any *Indian*, by the inveigling of any *English*, or of his own will, shall without leave of the King or great Man of the Place, come within the bounds limitted them, and there procure harbour or entertainment, it shall be lawful for any *English Man* to take the said *Indian* and to convey him to his Town to be punished, and to recover of the *English Man* that harboured

*Penalty of harbouring Run-away* Indians.

or

entertained him, so much *per* day as by the Law for entertaining other run-aways is recoverable.

And be it further Enacted, That what *English Man*, Trader, or other, shall bring in any *Indians* as Servants, and shall assign them over to any other, shall not sell them for Slaves, nor for any other time than *English* of the like ages should serve by Act of Assembly.

And because heretofore many entertained *Indians* by Licences of particular Persons, who did much damage to their Neighbours: Be it henceforth Enacted, That no Person of what Quality soever, shall entertain any of our Neighbouring *Indians* as servants or otherwise, unless by a Licence obtained from the Governour himself upon their Obligation that desire it, to be answerable for all the injuries and damages that the *Indians* by them entertained, shall do to any *English*.

*No person shall entertain any of the Neighbouring* Indians *for Servants without Licence from the Governour.*

## CXXXVII.

## Clerks Fees *to be paid.*

WHereas by a former Act of Assembly, *Clerks* of *Courts* were made uncapable of recovering their *Fees* after they had been Two Years due: Be it Enacted, That the said Act be repealed, and that all their Accounts shall be Three years pleadable, and that hereafter all *Sheriffs* or *Collectors* shall either receive, distrain for, or secure by Bill, all *Secretary* or *Clerk* of *Courts Accounts* delivered them, and be allowed Ten *per Cent.* for what is received, and Five *per Cent.* for what Bills are taken; and the *Sheriff* or other *Collector* not receiving, or securing as aforesaid, to be responsible for the Account omitted: Provided, That they the said *Sheriff* or *Collector*, shall not be liable for the Account of any Person removing out of the County before the laying the *Levy*, unless they receive the *Levies* or *Sheriffs Fees*, and then to be acccountable for the *Clerks Fees* also: Provided also, That the *Clerks* deliver or send their Accounts attested under their Hands, to the said *Sheriff* or *Collectors*, within four days after laying the *Levy* in their several *Counties*.

*Clerks Fees shall be pleadable Three years.*

## *The Secretaries Fees.*

BE it Enacted and Confirmed by this present Grand A-
sembly, That the Secretaries Fees shall be as follow-
eth : *viz.*

l. To

Imprimis, *For a* Patent *and recording it*, ———
*For a* Commission of Administration *and recording it*,
*For a* Probate *and recording it*, ———
*For a* Commission *to trade*, ———
*For a* Deposition, ———
*For a* Bond *and recording it*, ———
*For a* Copy of a Patent, ———
*For recording a* Letter of Attorney, ———
*For recording a* Will, ———
*For a common* Warrant, ———
*For an* Order, ———
*For a* Copy *of an* Order, ———
*For recording a* Bill *or* Receipt, ———
*For an* Execution, ———
*For a* Pass, ———
*For a* Subpœna, ———
*For a* Petition *if writ*, ———
*For a* Certificate *for* Lands, ———
*For a* Copy *of an* Act *of* Assembly, ———
*For recording a* Bill *of* Sale *or such like*, ———
*For a* Commission *for the* Militia *or* Court, ———

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## *County-Court-Clerks-Fees.*

BE it also further Enacted, That the County-Cou[rt]
Clerks-Fees be as followeth : *viz.*

l. T

Imprimis, *For an* Action, ———
*For entring an* Order, ———
*For the* Copy *of an* Order, ———
*For an* Execution, ———
*For an* Attachment, ———

| | |
|---|---|
| *For a* Deposition, | 10 |
| *For a* Copy *of a* Deposition, | 10 |
| *For* Administrations *and* Probates, *both at* | 60 |
| *For a* Subpœna, | 10 |
| *For a* Petition *if they write it*, | 10 |
| *For Entry of a* Petition, | 3 |
| *For a* Certificate *for* Land, | 20 |
| *For any other* Certificate, | 10 |
| *For recording of any Business* (Orphans *excepted.*) | 20 |
| *For recording* Inventories *and* Conveyances, | 30 |
| *For a* Scire Facias *in any* Court, | 10 |

And if any thing else be done by them then what is here expressed, the Commissioners to adjudge the Fee.

## *The Sheriffs Fees.*

BE it also Enacted, That the Sheriffs Fees shall be as followeth: *viz.*

| | l. Tob. |
|---|---|
| Imprimis, F*or an* Arrest, | 10 |
| *For* Bond, | 15 |
| *For going into* Prison, | 10 |
| *For* Whipping, | 20 |
| *For* Pillory, | 20 |
| *For serving a* Subpœna, | 10 |
| *For serving an* Execution *if under* 100 l. *of* Tobacco, | 10 |
| *If above* 100 *to* 500, | 20 |
| *If above* 500 *to a Thousand*, | 40 |
| *If unto Two Thousand*, | 60 |
| *If above Two Thousand*, *Ten Pounds* per *Thousand.* | |

*For Summoning and Impannelling a* Jury *for every* Cause *Twelve Pounds of* Tobacco, *and for every person Summoned* Five *Pounds of* Tobacco. Attatchments *as for* Arrests. And if further trouble; to be allowed by the Court.

And whereas some of the Sheriffs Fees upon Execution have heretofore seemed to have been Arbitrary, this Assembly have thought fit to ascertain them, and to Enact, That he shall have for Summoning every *Appraizer* Ten Pounds

Pounds of *Tobacco*, and the *Appraizer* to have Thi[rty] Pounds of *Tobacco per* Cause if they finish it in one da[y] and 30 *per* day if thay are longer about it.

## *The Clerk of the Assemblies Fees.*

BE it Enacted by this present Grand Assembly, That t[he] Clerk of the Assemblies Fees shall be as followeth: *vi[z.]*

l. T[obacco]

*Imprimis*, For Entry of a Cause by Return, Plea, or Petition, ——
For an Order and Copy of an Order, ——
For Denization, ——
For Naturalizing, ——
For County Courts Commissions, ——
For Militia Commissions if granted by Assembly, ——
For Copying the Acts of every Assembly, ——
For the whole Body of the Acts Writing, ——
For Attesting Act of Assembly copying Answer and Rep[ly]

## CXXXVIII.

## *Interpreters made of the Countrey.*

WHereas Coll. *John Flood* hath long and faithfu[lly] served this Countrey in the Office of an Inter[pre]ter, and being now deceased: It is Enacted, T[hat] *Thomas Flood*, Son of the said Coll. *John Flood*, shall be [re]ceived into the place of his Father, and that *Henry N[ew]combe* be likewise made Interpreter for the *Norwood.*

# At a Grand Assembly held at *JAMES CITY* the 23[d] of *December* 1662, and in the Fourteenth Year of our Sovereign Lord King *CHARLES* II.

## I.

## *An Act concerning* Sheriffs, *making false Returns.*

WHereas the Sheriffs of the several respective Counties, do often contrary to act of Assembly, accept of the promise of the Party Arrested, instead of taking Bail, which by Act he is injoyned to do, and yet to save himself Harmless, doth make false Returns, *viz.* That the Writ could not be Executed, whereby the Creditor is delayed in the Suit, or *Non est inventus*, whereby Attachment Issues to the damage of the Defendant: Be it therefore Enacted by this present Grand Assembly and the Authority thereof, That every Sheriff that shall be proved to have executed the Writ, and yet make such false Return, shall be fined Three thousand pounds of Tobacco, one half to the Publick and the other half to the Party damaged or delayed, as aforesaid.

*The Penalty of Sheriffs making false Returns.*

E e II. *An*

Revised

## II.

## *An* Act *concerning* Servants, Owners *o*[f] Goods.

WHereas many Servants imported into this Countre[y] being ignorant of the Customs here, do sometim[es] bring in with them a small Parcel of Goods, [or] have them sent afterwards by their Friends, which usual[ly] either the party that Imports them, or he to whom they a[re] Assigned, as Servants converted to their own use: Be it ther[e]fore Enacted by this present Grand Assembly and the A[u]thority thereof, That all Servants bringing Goods in w[ith] them, not being their Own wearing Apparrel, or h[a]ving them Consigned to them during the time of th[eir] Service, shall have the propriety in their own Good[s] and by permission of their Masters dispose of the same [to] their own future advantage.

*Servants Goods are to be disposed of for their own use.*

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## III.

## *An* Act *against* Persons *that refuse* [to] *have their* Children Baptized.

WHereas many Scismatical Persons, either out [of] aversness to the Orthodox Established Religio[n] or out of the new-fangled conceits of their own H[e]retical inventions, refuse to have their *Children Baptized*: [Be] it therefore Enacted by this present Grand Assembly and t[he] Authority thereof, That all and every person and perso[ns] that in contempt of the Divine Sacrament of *Baptism*, sh[all] refuse, when he or they may carry their Children to [a] Lawful Minister in that County, where he or they dwe[ll] to have them *Baptized*, shall be amerced Two thousa[nd] pounds of Tobacco, half to the Parish, half to the Inform[er].

*The Penalty of refusing to have* Children Baptized.

IV. A

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refuse to declare it upon Oath, shall be committed to Prison, and there remain until they declare their Evidence upon Oath.

## VIII.

## *An* Act *concerning Servants being the reputed* Father *of* Bastard-Children.

*Reputed Fathers of Bastard-Children, if Servants, how to be dealt withal.*

WHereas by the present Law of this Countrey, the punishment of a reputed Father of a Bastard-Child, is the keeping of the Child, and saving the Parish harmless; and if it should happen the reputed Father to be a Servant, who can no ways accomplish the penalty of that act: Be it therefore Enacted by the Authority aforesaid, That where any Bastard-Child is gotten by a Servant, the Parish shall take care to keep the Child, during the time the reputed Father hath to serve by Indenture or Custom, and that after the said reputed Father is Free, he shall make Satisfaction to the Parish.

## IX.

## *An* Act *enjoyning the recording all* Conveyances *made in* England *in the* Secretaries Office.

WHereas daily Experience sheweth that many Persons, Inhabitants of this Countrey, do privily make over their Estates to others in *England*, and by that means defraud all their Creditors in this Countrey of their just Debts: Be it therefore Enacted,

acted, That all Conveyances of any Estates in this Cou- trey made over to any person in *England*, or Authentiq Copies, shall be sent over to this Countrey the next Shipp after they are made, and be here manifested in the *Gener Court*, and recorded in the Secretaries Office, or else be held for fraudulent and of no force, to the barring Claim of any Creditor in this Countrey.

*All Conveyances shall be recorded in in the Secretaries Office.*

X.

## *An* Act *for Defendants in Appeals, give in* Security *to answer the Ap peal.*

WHereas by the Laws of this Countrey, all Appe ants from any Court are bound to Prosecute the Appeals, but the Defendant left at liberty wit out Security for his Appearance: Be it therefo Enacted, That henceforth all Defendants in Appeals sh give Bail for their Appearance, as in case of Arrests, a the Sheriff and Bail to be responsible for Non-appearanc as in case of Arrests.

*All Defendants in Appeals shall give Bail for their Appearance.*

XI.

## *An* Act *concerning Servants, brought under Sixteen years of age.*

WHereas by act of Assembly, the several Courts a appointed Judges of the age of Servants, comi in without Indentures, but no time limited a ter their arrival for the bringing of them to tho Courts: Be it therefore Enacted, That every Mast buying or bringing in a Servant without Indentures, shall b and hereby is enjoyned to carry him to the Court, with fo

*Servants brought in without Indentures, what to be done in that Case.*

four Months after he hath bought him, when the best Judgment may be given of his Age, or else the Servant shall not serve any longer than those of Sixteen years are to serve by the Custom of the Countrey.

XII.

## *An* Act *for* Mulatto Children, *being bound or free according to* Condition *of the* Mother.

Whereas some doubts have arisen, whether Children got by an *English Man* upon a *Negro Woman*, should be Slaves or Free: Be it therefore Enacted and Declared by this present Grand Assembly, That all Children born in this Countrey, shall be held Bond or Free according to the condition of the Mother, and that if any Christian shall commit Fornication with a *Negro Man* or *Woman*; he or she so offending, shall pay double the Fines imposed on Fornication by the former Act.

*Fornication with a* Negro-Man *or* Woman *punishable.*

XIII.

## *An* Act *declaring* VVomen-Servants *Tythable.*

Whereas divers persons purchase *Women-Servants* to work in the Ground, that thereby they may avoid the payment of Levies: Be it therefore Enacted, That all Women-Servants, whose common Imployment is working in the Ground, shall be reputed Tythable, and Levies paid for them accordingly, and that every Master of a Family not giving an accompt of such in his List of Tythables, shall be fined as for other Concealments.

*Woman-Servants working in the Ground Tythable.*

XIV. An

## XIV.

## *An* Act *ascertaining* Damages *upon* Bills *protested.* Vide Act 18*th* *Anno* 1666.

## XV.

## *An Act impowering* Counties *or* Parishes *to make* By-Laws.

*By-Laws to be obeyed by the Inhabitants of the said Counties.*

WHereas some particular Inconveniences may happ in a respective County or Parish, which cann well be concluded or remedied by a General La It is therefore Enacted, That the respective Counties, a the several Parishes in those Counties, shall have, and he by are impowered to have liberty to make By-Laws themselves; which Laws so constituted and approved by Major part of the said Counties or Parishes, shall be bi ing upon them as fully as any General Act.

## XV.

## *An* Act *for building a Town.* Vide *Act* 5th 1680.

## XVI.

## *An* Act *for the* Imposition *of* 2*s.* p *Hogshead.*

WHereas the Kings most Excellent Majesty hath been ciously pleased by his Instructions to the Right nourable *Sir William Berkley*, bearing date the 12*th* da

*Septem*

September 1662, to confirm the Imposition of Two Shillings, imposed by a former Act of Assembly upon every Hogshead of Tobacco exported out of this Collony, with the Limitations offered to his Majesty by his Majesties Council of Trade for the Plantations. Be it therefore Enacted by this present Grand Assembly, That the Limitations of the said Order of his Majesties Council for Plantations, be strictly observed; And that no Merchant, Master, Mariner, or any person or persons, that shall receive and Ship on board any Ship, Vessel, Barque, Sloop or Boat, any Tobacco, before the said Imposition of Two Shillings *per* Hogshead be duly paid in Moneys, or in the value thereof, in Goods or Merchandizes, unto the Collector or Collectors appointed by the Right Honourable the Governour, and due Certificate or Cocquet from him or them received. And in Case any Master shall receive any Tobaccoes on board, without such Cocquets or Certificates first had from the said Collector or Collectors; all such goods to be Confiscated to the use of the Publick.

*Two Shillings to be paid for every Hogshead of* Tobacco *Exported. Upon default to be confiscated.*

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## XVII.

## *An Act concerning* Castle Duties.

Sep. 1680

WHereas the Act of Assembly enjoyning each Master of a Family to provide a certain quantity of Powder and Shot, for each Tythable in his Family, is rendred altogether ineffectual, unless a Means be prescribed how such Powder should be procured: Be it Enacted and Ordained by this present Grand Assembly, That for the better Supply of the Countrey, All Masters of Ships and Vessels may pay their Fort Duties in kind, *viz.* Half a Pound of Merchantable Musquet Powder and Three Pound of Leaden Shot for each Tun their Ship or Vessel is of Burthen, to the Captain of the Fort. And that the said Captain of the Fort shall be paid for what the said Powder and Shot shall amount to out of the Impost of 2 *s. per* Hogshead in Bills of *Exchange*, at the rate he received it from the Masters, *viz.* at One Shilling *per* Pound Powder, and Two Pence *per* Pound Shot: And it is further Enacted, That if any

*The Masters of Ships may pay their Fort Duties in Musquet Powder and Shot.*

any of the Masters of Ships or other Vessels, shall not their respective Fort Duties of Half a Pound of Powder Three Pound of Shot, and Six Pence *per* Poll, all of th in their very kinds, that then the said Masters shall pay same to the said Captain of the Fort, or in his Absence his Attorney or Attorneys in Money or good Bills of *change*; any other Act to the contrary notwithstanding.

## XVIII.

### *An Act Imposing a Tax upon* Horses, *Repealed by the Second Act of Assembly,* Anno 1665.

## XIX.

### *An Act for Incouragement to Build* Vessels, *Repealed by Act* 15. 1666.

## XX.

### *An Act for* Handy-craft-men *to* Levies.

*Handy-crafts-men shall pay* Levies.

WHereas the necessity of the Countrey req the laying upon it extraordinary Taxe present: Be it therefore Enacted, That former Act exempting Trades-men and Handy-crafts from paying Levies be suspended for Five years, and to pay as formerly.

XXI.

## XXI.

## *An Act concerning* Hides.

WHereas the Act restraining the Exportation of Hides, lays the Penalty only upon the Buyer, and therefore produced not the Effect intended thereby, which was the supply of the Countrey with Leather: Be it therefore Enacted, That whosoever shall sell or otherwise dispose of any Hides contrary to the intent of the former Act, shall be Fined for every Hide so by him sold or otherwise disposed of, to be exported, One Thousand Pounds of *Tobacco*. Provided that Sale may be made of Hides to any person living in the Countrey, the Clause in a former Act prohibiting the same to be sold in the Country to the contrary notwithstanding.

*Such as sell Hides for Exportation, fined* 1000 l. *of* Tobacco *for every Hide so sold.*

# At a Grand Assembly held at *JAMES CITY September* 10*th* 1663, and in the Fifteenth Year of our Sovereign Lord King *CHARLES* II.

## I.

## *An Act prohibiting the unlawful Assembling of* Quakers.

WHereas it is evident of late times, that certain persons under the names of Quakers, and other names of separation, have taken up and maintained sundry dangerous Opinions and Tenets: And whereas the said persons under pretence of Religious Worship, do often Assemble themselves in great numbers in several parts of this Countrey, to the great indangering its publick peace and safety, and to the terror of the People, by

by maintaining a secret and strict Correspondency among themselves, and in the mean time separating themselv[es] from the rest of his Majesties good and loyal Subjects, an[d] from the Publick Congregations and places of Divi[ne] Worship and Service; for redressing whereof, and better pr[e]venting the many Mischiefs and Dangers that may and d[o] arise by such dangerous Tenets and unlawful Assemblies: Be it Enacted, by this present Grand Assembly and the A[u]thority thereof, That if any person or persons common[ly] called Quakers, or any other Separatist whatsoever in th[is] Collony, shall at any time after the Publishing this A[ct] in the several respective Counties, depart from the place [of] their several Habitations, and Assemble themselves to t[he] number of Five or more, of the age of Sixteen years or u[p]wards, at any one time, in any one place, under a pr[e]tence of joyning in a Religious Worship, not Authorized [in] *England* nor of this *Countrey*; That then in all and ev[ery] such Case and Cases, the Party so Offending, being the[re]of Lawfully Convicted by the Verdict of Twelve Men, [or] by his own Confession, or by notorious Evidence of the Fa[ct,] shall for the first Offence, each Person forfeit and pay T[wo] hundred pounds of Tobacco; and if any such person or p[er]sons being once convicted, shall again Offend therein, a[nd] shall in form aforesaid be thereof lawfully Convicted; sh[all] for the Second Offence forfeit and pay Five hundred pou[nds] of Tobacco, to be levied by Distress or Sale of the Goods of [the] Party so convicted, by Warrant from any one Justice of [the] Peace, before whom they shall be so convicted, rendri[ng] the Overplus to the Owners if any be; and for want [of] such distress, or for want of Ability of any Person amo[ng] them to pay the said Fine or Fines, then it shall be law[ful] to levy and recover the same, from the rest of the Se[pa]ratists or Quakers, or any one of them then present, t[hat] are of greater Abilities to pay the said Fine or Fi[nes:] And if any person after he or she in form aforesaid, h[ath] been twice convicted of any the said Offences, shall [of]fend therein the third time, and thereof lawfully convic[ted,] that then every such person so Offending and Convict a[s a]foresaid, shall for his or her third Offence be Banis[hed] this Collony of *Virginia* to the place the Governour [and] Council shall appoint: And be it further Enacted by [the] Power and Authority aforesaid, That each Master of S[hip] or Vessel that shall import or bring in any Quakers [into] this Collony, to reside after the first day of *July* ne[xt]

*Quakers, or other Separatists Assembling to the number of five under a pretence of Religious Worship, how to be punished.*

*Such persons being convicted the Third time shall be banished this* Collony.

nless by vertue of an Act of Parliament made in *England*, the Nineteenth day of *May*, in the Fourteenth year of the Reign of ur Sovereign Lord the King, shall be fined Five thousand ounds of Tobacco, to be levied by Distress and Sale of the Ma- ters Goods, by Warrant from any Justice of the Peace in the County where any such person or persons shall arrive, the same being proved by sufficient Evidence; and the said Master shall be further enjoyned to carry him or them out of the Coun- trey again when his Ship returns, and to take especial Care o secure him, her, or them, so brought in as aforesaid, from spreading any seditious Tenets, whilst he, she, or they, emain in the Countrey: And be it further Enacted, That any person or persons Inhabitants of this Countrey, that shall entertain any Quakers in or near their Houses, to teach or preach, shall likewise be fined Five thousand pounds of Tobacco for each time they do so entertain them, to be levied by Distress and Sale of the persons Goods, by Order from the Justices of the Peace in the next County Court held for that County where the Fact was committed, before whom the said Fact shall be by Evidence proved: And be it further Enacted, for prevention of Neglects in the due Execution of this Act, by any Magistrate or Ma- gistrates, Officer or Officers of this Collony, that in case any Justice of the Peace or any other Officer shall neglect the performance of their Duty in prosecuting this Act, or shall directly or indirectly connive at any Breaches thereof, he or they for every such Offence shall be fined Two thousand Pounds of Tobacco, to be levied by Distress and Sale of the Goods of the person so offending, he or they being there- f lawfully convicted by the Virdict of Twelve men, by his own confession, or evidence of Fact: And be it further nacted by the Authority aforesaid, That all the Justices he Peace in their several Counties, shall be hereafter im- owred to enquire, hear, and determine all and every the Offences aforesaid within the limits of their Commission, nd to give Warrant for the levying and distressing the Fines pon the Goods of the persons offending; all which said Fines entioned in this Act shall be disposed of to the use and ses; purpose and purposes following; *viz*: The Two hun- red, and Five hundred Pounds of Tobacco imposed on the uakers and other Separatists for unlawful Assembling, all be paid half to the Informer, half to the use of the Pa- sh where the Fact was committed; that the Five thousand ounds of Tobacco imposed on each Master that shall bring

*Inhabitants that shall entertain Preaching Quakers, to be fined.*

*Justices of Peace within the limits of their Commission to hear & determine Offences of this kind, and to grant their Warrants for levying of Fines.*

*Levies and Fines for unlawful Assemblies, how to be disposed of.*

in any Quaker, ſhall be paid half to the Informer, half the uſe of the Pariſhes in the County where the perſon perſons do arrive; that the Five thouſand pounds of T bacco impoſed upon every Inhabitant that ſhall entertain aforeſaid in or near his Houſe any Quaker, ſhall be paid h to the Informer, half to the Pariſhes in the County whe he lives for Pious uſes; Provided always that the char of their Apprehending muſt be firſt defrayed: That the T thouſand Pounds of Tobacco impoſed upon any Magiſtra or other Officer that ſhall neglect the due Proſecution of t Act, ſhall be paid half to the Informer, half to the Pariſ in the County where he lives: Provided always, and be further Enacted, That if any of the ſaid perſons, Quak or other Separatiſts, ſhall after ſuch Conviction as aforeſa give Security, that he, ſhe, or they, for the time to come f bear to meet in any ſuch unlawful Aſſemblies as aforeſa that then and from thenceforth ſuch perſon or perſons ſh be diſcharged from all the Penalties aforeſaid, any th in this Act to the contrary notwithſtanding: And be further Enacted, That all Officers of this Countrey hereby ſtrictly enjoyned to take notice of this Act, and ſee the ſame put in due Execution.

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## II.

## *An Act concerning the Bounds of this* Co*lony on the* Eaſtern-Shore.

HIS Majeſties Intereſt on the Eaſtern Shore of *Vi nia*, together with ſome Concernments of the L *Baltamores*, coming into Conſideration of the R Honourable Governour, and Council, and Burgeſſes of Grand Aſſembly, they pretermitting for the preſent ſom ther of His Majeſties Concerns of Land until a fitter op tunity do think fit for the preſent to Enact, And be it ther Enacted by the ſaid Right Honourable the Govern Council, and Burgeſſes of this Grand Aſſembly, and the thority thereof, That Publication be made ſo ſoon as p ble by Coll. *Edmund Scarbrough* his Majeſties Surveyor neral of *Virginia*; Commanding in His Majeſties Nam the Inhabitants of the Eaſtern Shore of *Virginia* f *Watkins* Point Southward to render Obedience to his jeſties Government of *Virginia*, and make payment

his Majesties Rents and all publick Dues to His Majesties Collony of *Virginia*. And whereas it hath been controverted by some ignorant ill-disposed persons, where *Wattkins* Point the Lord *Baltamores* Southermost Bounds on the Eastern Shore is scituate; This Grand Assembly by the care and special Enquiry of Five able selected Surveyors and Two Burgesses, and on the due Examination thereof, conclude the same place of *Wattkins* Point to be the Northside of *Wiccacommico* River on the Eastern Shore, and near unto and on the South side of the Streight *Lymbo*, opposite to *Potuxent* River; which place, according to Capt. *John Smith*, and Discoverers with him, in the year 1608 was so named, being the Lord *Baltemores* Bounds on the Eastern Shore, within which Bounds his Majesties Subjects which now are seated, are hereby commanded to yield due Obedience at their perils: And in case the Lord *Baltamores* Lieutenants or Deputies shall not be fully convinced of his or their actual or pretended Intrusions: This Grand Assembly of *Virginia* in due obedience making the particular part of *Virginia* their present care, on His Majesties behalf do engage and command Coll. *Edmund Scarbrough*, Mr. *John Catlett*, and Mr. *Richard Lawrence*, or any two of them, whereof his Majesties Surveyor General to be one, That upon convenient Notice and Assignment of time and place at *Monakin*, or any other part of His Majesties Countrey of *Virginia*, on the Eastern Shore, they or any two of them as aforesaid, shall give a Meeting to the Lord *Baltamores* Lieutenants or Deputies, or his or their Substitutes as aforesaid, the account whereof to be returned to his Majesties Governour and Council of *Virginia*, and debate and determination thereof; and in the mean time all the Inabitants on the Eastern Shore as aforesaid, are required in his Majesties Name to conform due Obedience to this Act of Assembly: Be it also Enacted, That the Surveyor General of *Virginia* aforesaid, is hereby commanded and authorized to improve his best Abilities in all other his Majesties Concerns of Land relating to *Virginia*, especially that to the Northward of Forty Degrees of Latitude, being the utmost Bounds of the said Lord *Baltamores* Grant, and to give an account of his proceedings therein to the Right Honourable Governour and Council of *Virginia*.

*The bounds of this Collony on the Eastern Shore.*

III. *An*

## III.

### *An Act prohibiting the Exportation of* Deer Skins *or* Calves-Skins. Vide *Act* 1 Anno 1680.

## IV.

Obsolete

### *An Act prohibiting the Entertainment of* Indians *without* Badges.

SInce it is manifest that divers Thefts are committed b Indians on the South side of *James* River, with which t Neighbouring *Indians* being taxed, say and affirm it be done by the *Tuscaroraes* and other remote Nations, w lying sculking about the English Plantations for private sinis Commerce, cannot be so easily discovered and taken, by rea that the penalty by Law for *Indians* coming in without a Bad is laid on the *Indians* only and not on the *English* enterta ing them: Be it therefore Enacted, That what Englishman ever shall privately entertain any *Indian* or *Indians* of a Nation, not having a Badge according to Law, shall be able to the same Censure and Penalty as the Law impos upon an *Indian* for such their illegal coming in; and that Informer or Discoverer thereof shall have half of said Penalty.

*No Englishman shall entertain Indians without Badges.*

## V.

*An Act for better payment of the* 10 s. per *Hogshe Repealed by the 7th Act.* Anno 1665.

## VI.

*An Act concerning the* Salt-VVork *at* Accomack *pealed by 7th Act.* Anno 1666.

VII.

## VII.

## An Act for the exacter Discovery of concealed Tythables.

WHereas divers Masters of Families, notwithstanding the many Laws made to the contrary, do conceal some of their Families legally Tythable to a very considerable number as may justly be suspected in the whole Countrey, and consequently do enlarge the Taxes of those that do legally conform, for Remedy of the like Abuses hereafter: Be it therefore Enacted by this Grand Assembly, and the Authority thereof, That every Master of a Family shall give an exact Account of all Tythable persons in their said Family, with their several Names, to the next Magistrate appointed to receive the List, annually by the 10*th* of *June*. And in Case any such Master of a Family shall conceal any person or persons of his Family, then every such concealed person or persons shall be forfeited to him that shall make it appear, unless he was bought after the 10th day of *June*: But if any such concealed person, being a Servant, hath less than a year to serve, or if the person concealed be a Freeman, then for every such person the Master of the Family shall forfeit One thousand Weight of *Tobacco*: Provided always, That Women Servants be exempted out of this Act, which whether they are Tythable or not, is referred to the County Court to judge and determine.

*Masters to be fined for concealing Tythable persons in their Families.*

## VIII.

## An Act concerning the pursuit of Run-aways.

WHereas the ordinary way of making pursuit after Run-away Servants by Hues and Cries, is by Experience found ineffectual for the recovery of them, and the pursuit at the particular Charge of the Master oftentimes impossible; for Remedy whereof, it is Enacted by this present Grand Assembly and the Authority thereof, That Pursuit after Run-aways be made at the Charge of the Countrey; for effecting whereof, any Justice at the instance of the Master or Masters of the Servants run

 away,

*Pursuit of Run-aways, to be made at the charge of the County.*

away, is hereby required, Authorized, and Impowered, t Issue his Warrant for the pressing of Boat and Hands, or o ther dispatches, to make pursuit, the Charge whereof sha be defrayed in the next County Levy; and in case the sai Fugitives, should notwithstanding such pursuit, make an E scape to any of the Dutch Plantations: It is Enacted, Tha Letters be written to the respective Governours of tho Plantations to make siezure of all such Fugitive Servants and to return them by the next convenient passage to an of the Collectors of the Rivers, the Vessel that brings the is bound to, and for satisfaction of their Charges, the sa Collectors are hereby Authorized to give them his Certi cate of the Receipt of his Servant, and of the Sum t Charge amounts to, which being produced by the said Impo ter or his Agent to the next Assembly or Committee for t Levy, the Sum certified shall be by them raised and paid the said Importer or his lawful Agent, at such place as h shall desire: And it is further Enacted, That the said Co lector shall with as much speed as may be, certifie the Maste of the said Servant of his having him in Custody: And case the Master of the said Servant will pay the Charge his Importation, then the said Collector is required to ta the Bill of the said Master, with security if needful, to the u of the Publick, and to receive the same when due to the u aforesaid, and to deliver such Master or Masters, his their Servant or Servants, who shall serve his or their Mast or Masters for the time of his or their Absence and Charg disbursed, according to a former Act of Assembly in that Ca provided; but if the said Master or Masters shall refuse to pa the Charge, then the said Collector is hereby impowe ed to sell the said Servant or Servants, or hire him or the out for so long time as may re-imburse the Publick disbur ment after which time expired; the said Servant or Se vants shall be returned to his or their Master or Masters, an serve him or them the remainder of his or their time, an also for the time of his or their being run away, in whic what he serves for satisfaction of the Publick shall not be a counted: And it is further Enacted, That if the said Serva or Servants be taken by the pursuit of the County, Th the County shall have such satisfaction as the Publick by Hi or Sale of the Servant.

*The Publick shall be re-imbursed for the Charge of their Importation.*

*Satisfaction shall be made to the County.*

IX.

## IX.

## *An* Act *for the half of all* Fines, *to be paid to the* Informer.

WHereas several Penal Acts of Assembly refer the disposal of the fines to the Assembly, who ever intended the half thereof to the Informer, yet for better Encouragement of such, and better Discovery of those that break and contemn the Law: It is thought fit to Enact, and be it by these presents Enacted, That the half of all Fines incurred by any Person offending against any Penal Law, be conferred on the Informer and Discoverer of any such offences.

*The half of all Fines whatsoever, shall be paid to the Informer.*

## X.

## *An* Act *concerning* Foreign Debts.

VVHereas it was ommitted to be inserted in the Printed Laws of this Countrey, that Moneys due in *England* for any Consideration not imported into this Countrey should not be Pleadable here; It is therefore Enacted and Declared, That the said Act was never repealed, but that it hath always been and still doth continue in force, and that according to the tenor thereof, no Debt whatsoever is Pleadable against any Inhabitant of this Countrey, but for Goods imported into this Countrey.

*No Debts Pleadable in* Virginia *but for Goods imported thither.*

## XI.

## *An* Act *permitting persons under Execution to redeem their Bodies with their Estates.*

SInce the Act for payment of Executions in kind exposed most Men in the Countrey to ruin, by the Malice of their two riged Creditors, who by that Act might, taking the advantage often times, when Tobacco

1663



*The Proceedings in case of an Execution for Debt, and what relief may be had therein.*

bacco or Money, the two things most usually oblig for, were not in possibility to be procured, detain their p sons in Prison to the destruction of their Credit, Famil and Fortunes: Be it therefore Enacted by the Governo Council, and Burgesses of this Grand Assembly and the A thority thereof, That the said Act, as too full of rigo be repealed; and that instead thereof, it be Enacted, T when any person shall be laid under Execution for Debt, shall first make Oath that he hath not directly or indire any specifical Tobacco or Money to answer the Debt, then shall tender an Estate to the treble value of the De and in case of disability an Inventory of his whole Estate on Oath to the Creditor, who shall have liberty to m choice of any of the Estate so tendred for satisfaction o Debt, which being appraised by Four Men Chosen, by the Creditor, and two by the Debtor, shall be by Sheriff delivered to the Creditor, and the Debtor be acq ted: But if the whole Estate will not satisfie the D then the person of the Debtor to remain in Prison, in case of disagreement between the Debtor and the C ditor, either in choice of the Estate or Apprizers, th shall be lawful for the next Commissioner to appoint indifferent persons to choose, appoint and apprize what of the said Estate shall satisfy the Debt; and in ca their Disagreement, the said next Commissioner shal and hereby is impowered to determine the controversie.

## XII.

### *An Act concerning a* Stint, *repeale the* 3d. *Act.* Anno. 1664.

## XIII.

### *An* Act *respiting the time for Plan* Mulberry-Trees, *which is acc ing to Act. until the last of* Dece ber *Anno* 1666.

XIV

## XIV.

## *An* Act *for keeping Holy the* 13th *of* September.

WHereas it is Evident that certain Mutinous Villains had entered into such a desperate Conspiracy as had brought an inevitable ruin upon the Countrey, had not God in his infinite Mercy prevented it; This Grand Assembly to testify their thanks to Almighty God for so miraculous a Preservation: Have Enacted, That the Thirteenth of *September*, the day when this villainous Plot should have been put into Execution, be annually kept Holy, to keep the same in a perpetual Commemoration.

*The Thirteenth of* September, *to be kept Holy.*

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## At a Grand Assembly held at *JAMES CITY* September 20*th*, 1664.

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## I.

## *An* Act *for the priority of Payment to the* Countrey-Creditors.

WHereas many Persons coming into this Countrey possessed of visible Estates, do by that means obtain Credit here, and contract several Engagements; notwithstanding which Engagements past for valuable Considerations, it often happens that the whole Estate is by pretended Accounts out of *England*, and Foreign parts taken away, and the Countrey Creditors deprived by that means of their just Dues; which this present Grand Assembly taking into their serious consideration, Have therefore Enacted, That in such Cases, all Courts shall give a priority in Judgments for Debts contracted in the Countrey, if the Claim be made within Twelve Months, before which time no Forreign Debt shall be Pleadable, unless there be Effects remaining after the Countrey Debts are paid: But

*Debts contracted in* Virginia *shall be first satisfied.*

this Assembly intending hereby but only the prevention frauds, not the prejudice of any just Creditor that h *bonâ fide* adventured his Goods into this Countrey, h therefore further Enacted, That if any Factor coming of *England* or any other of his Majesties Plantations, s within two Months after his Arrival, make Entry in Court of Record, of the name of the Person adventur by him, and the value of the Goods adventured, every s Adventurer shall, if the Factor die, have equal Plead with the Inhabitants of this Countrey. But in case such Entry be made, all Goods imported shall be ta to be the proper Estate of the Possessor: And to the end Merchants and other Persons concerned, may have no hereof: It is further Enacted, That this Act shall no in force, until the first of *March*, 1665.

II.

## *An* Act *for Frontiers to be seated* w *Four able Hands.*

WHereas Experience hath evidenced, that the we ness of the Frontier Plantations hath ani ted the *Indians* to commit several ho Murders; This Grand Assembly endeavouring as muc may be the prevention thereof for the future, have E cted, and by these presents do Enact, That no person s hereafter seat above the Plantations already seated, with Four able Hands well Armed at his first seating do Provided, That such Persons that have already pate Land in any remote Parts, may have Seven years gra them, to seat and strengthen each particular Planta with the aforesaid number of Four Men, or else desert t Land.

*Plantations on the Frontiers to be strengthened with Four able Men well armed.*

III.

## III.

## An Act for Liberty to Plant.

WHereas many Endeavours have been used, to induce the Province of *Mary-Land*, to comply with this Government in the Endeavours of lessening the Quantity and advancing the Value of Tobacco, which could it have been effected, had undoubtedly much augmented the Happiness and Prosperity of both Countries; but since the Government of *Mary-Land*, have after so many Treaties and frustrated Expectations, still continued their aversness; This Grand Assembly not thinking fit to lay a restriction upon this Government while they have so great a liberty; have therefore repealed and anulled, and do by these Presents repeal and anull all Acts or Proclamations whatsoever, any way restraining the Inhabitants of this Countrey from making their utmost benefit of their Labour the ensuing year.

*Acts restraining, Planting, Repealed.*

## IV.

## An Act for the proportioning all Actions to the Forenoon and Afternoon.

WHereas the dispatch of business to the General Courts, is very much retarded by the liberty granted to all persons Arrested to the said Courts, to appear at any time within the day assigned in the Writ by the Plantiff, by which means most Causes are referred to the Afternoon; and that time being insufficient to hear and determine the said Causes, the Court is thereby necessitated to put Business out of Course, by referring them to the next Morning: For prevention of which Inconveniences, this Grand Assembly have thought fit to Enact, and it is by the Authority thereof Enacted, That all Writs that shall for the future issue out of the Secretaries Office returnable to the General Court, shall be divided according to the respective days into Ten for the Forenoon, and Ten for the Afternoon; and if the Plantiff shall at that time fail in appearing to prosecute, a Non-suit shall be granted against him, and Judgment against the Defendant, or Bail, or Sheriff, in case the Defendant fail of his Attendance to Answer.

*The time for Issuing out of Writs, regulated.*

V. *An*

## V.

Obsolete

## *An Act concerning the regulating the Se- cretaries-Office.*

WHereas it is evident, that in all Countreys the well and ill keeping of the Records, is of the highest Con- sequence, as being the only means to preserve the Rights and Properties of all the Inhabitants of the same; and since it appears that there hath been a great Neglect in keeping the Records in this Countrey: For remedy whereof for the future, the Grand Assembly at the instance of the present Secretary *Thomas Ludwel* Esq: have thought fit to Enact, and be it by the Authority thereof Enacted, That Captain *Robert Ellison*, Mr. *Walter Chiles*, and the *Clerk* of the *Assembly*, be appointed by the House to examine and state the Records as they now are; and that for the future, as soon as there is a place convenient to receive them, no Perso may have a view of them, unless upon publick Order but the Clerks of the Office, or whom else the Secretar shall appoint; it being impossible to keep the Record certain, when they are prostituted to the view of every on that will look into them, who may as their interest lead rend out what may make against them: Provided, That an Person, having occasion, may be with the Clerk when h makes the Search, for which Search there shall be pai to the Clerk for his Fee, One Shilling, or Ten pounds Tobacco, besides paying for the Copy of the thin searched for: And it is further Enacted, That but ha that Fee shall be paid to the Clerk for searching the Coun Court Records.

*The Records to be carefully Stated.*

*No person may be permitted to view them without publick Order, except only the Clerks of the Office, or whom else the Secretary shall appoint.*

*The Clerks Fee for searching the Records.*

## VI.

## *An Act for conveneing of the People, upo the Summons of the Burgesses, to ad journ Assemblies.*

WHereas the principal end of the Convention Assemblies, is the making Provisions fort peop'es Safety and redress of the Grievanc which being usually made known to the Burgesses of t respect

reſpective Counties at the place and time of their Elections, which upon Adjournment of Aſſemblies is not done, by reaſon the Sheriff does not make publication of their Summons: It is Enacted, That for Convention of the Burgeſſes at this or future Aſſemblies adjourned, timely notice may be given to the people by publication in the Pariſh Churches of the day appointed by the Sheriff of their meeting at their uſual places of Election, to preſent their Grievances to the Burgeſſes.

*Notice to be given to the people by Proclamation, when the Aſſemblies are to be adjourned.*

## VII.

## *An Act concerning* VVidows Thirds.

WHereas ſome doubts have ariſen about the proportioning and aſſigning the Thirds of the Eſtates of perſons Inteſtate to their Widdow: It is for Explanation thereof, Enacted by the Grand Aſſembly and the Authority thereof, That the Eſtates of all Perſons Inteſtate where the Will is doubtful whether perſonal or real, *viz.* Land cleared or Wood Land and Houſing, may be according to the quantity or quality of the ſaid Land and Houſing divided equally into Thirds, and the Widow to have her Thirds and choice after the Diviſion.

*All Eſtates of perſons Inteſtated to be divided into Thirds, and the Widow to have her Thirds and choice after Diviſion.*

## VIII.

## *An Act Repealing the Act concerning* Rumme.

WHereas there was by a former Act of Aſſembly made at *James* City, *March* 20th 1661, an Impoſition laid upon *Rumme* and *Paveal* Sugars; the Houſe upon Conſideration of the difficulties of collecting the ſaid Impoſt, and the defining *Paveat* Sugars, and principally the Obſtructions it may bring to the Trade of the Countrey, have thought fit to Enact, That the ſaid Act be totally repealed.

*The Act concerning* Rumme *and* Paveal *Sugars Repealed.*

L l IX. *An*

## IX.

## *An Act concerning* Arrests *in Court times.*

No Arrests shall be served at James City during the General Assembly, nor five days before and after; except upon persons dwelling in James City County.

WHereas divers persons repairing to *James* Cit[y] in the time of Quarter Courts and Assemblie[s] some about service of the Publick, some t[o] give Evidences, others to their other occasions, which by th[e] malice of some persons taking them at an advantage, are ar[-] rested to a present Answer; for fear whereof, divers person[s] do absent themselves, to the great prejudice of the Public[k] Affairs, and the Obstruction of Justice: It is therefor[e] Ordered, That no Arrests Five days before the Genera[l] Courts or Assemblies, or Five days after the General Cour[ts] or Assemblies be served upon any person at *James* Cit[y] except he be an Inhabitant of *James* City-County.

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# At a Grand Assembly held at *James* Ci[ty] *October* the 20th *Anno* 1665.

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## I.

## *An Act Impowering a* Justice *of the* Peac[e] *to grant* Attachments.

In what case one Justice of Peace may may grant Attachments.

WHereas it hath been scrupled whether a partic[ular] Justice of the Peace might in any case issue an [At-] tachment; this Assembly have thought fit to [de-] clare, That in case of suspicion of any persons intention[s to] remove out of the County where he dwells, either to c[on-] ceal himself in the Countrey, or with-draw himself out of [the] Countrey, whereby the ordinary proceedings at Law [can-] not be had against him: It is and may be lawful for [any] Justice of the Peace to issue out an Attatchment against [so] much of the Estate of the person so suspected to remove [as] by the Claim made shall in his judgment appear due to [the] Creditor; replievable by security given or appearance at

next Court: Provided, That the said Justice take sufficient Security of him that desires the Attachment to pay the Damages the Court shall award to the Defendant, in case the Plantiff be cast in the Suit.

## II.

### *An Act for Repealing of the Act for defraying the Incouragement for killing* VVoolves *by a Tax upon Horses.*

*The Act for Levying Money on Horses for encouraging the killing of* Woolves *repealed.*

VVHereas the Act for Levying the Incouragement of killing of *Woolves* upon Horses, by reason of the great inequality thereof, imposes too great a burthen upon those Frontier Counties which have most *Woolves* killed and fewest Horses to bear the Charge: It is therefore Enacted by this present Grand Assembly and the Authority thereof, That that Act shall be, and hereby is repealed, and the former Law for paying the Incouragement *per* Poll be revived and continued.

## III.

### *An Act prohibiting the Sale of Arms to the* Indians.

VVHereas there was formerly a Law in force prohibiting the Sale of Arms, Ammunition, or Guns, to the *Indians*, which upon consideration of the said *Indians* being furnished by the *Dutch*, was omitted: It being then thought impolitick to debar our selves from so great an advantage as might accrue to us by the *Indians* Trade, when we could not prevent the supply; yet since those envious Neighbours are now by his Majesties Justice and Prudence removed from us, and the Trade now likely to be in our hands, and none to furnish them besides our own Nation, which in these times of eminent Danger hath scarce ability to furnish our own wants: It is therefore Enacted by this Grand Assembly and the Authority

*Any person selling Ammunition to* Indians, *for the first Offence shall be fined* 10000 l. *of* Tobacco, *and for the second be prosecuted as a* Felon.

thority thereof, That the Sale of Arms, Guns, Powder and Shot, be wholy prohibited, and that whosoever, contrary to the intent of this Act, shall by himself or any other, sell or barter Powder, Shot, Guns, or Ammunition to any *Indian*, shall be fined Ten thousand Pounds of *Tobacco*, or suffer Two years Imprisonment without Bail or Mainprize for the first Offence, and for the second to be proceeded against as Felons.

## IV.

## *An Additional Act for better restraining the Exportation of* Hides *Repealed by* 12 *Act* Anno 1680. Vide.

## V.

## *An Act concerning the intent of some former Penalties.*

*Where several are Actors in the same Crime, every one to be fined.*

WHereas certain doubts have arisen in giving Judgment upon a Penal Law, as stealing of Hoggs, taking away of Boats, and the like, where several persons may be Actors in committing the same Offences, *viz.* whether the Penalties imposed are to be levied upon all the Actors in general, and the payment of the Penalty specified in the Act by any one should acquit the rest, or else Judgment pass for the entire Sum against every particular and individual Offender: Be it Enacted for the better deterring people from committing such Offences, That in all such Cases every particular Offender may be singly prosecuted and have Judgment passed against him for the whole Fine; And because the Laws have been silent in prescribing any way to punish Servants guilty of the Breaches of such Acts where Freemen are to pay a Fine, of which they are during their Service wholly uncapable, and might be encouraged to attempt it, should their punish-

ment

ment be respited, until their time of Service is expired: Be it therefore Enacted, That in all Cases where a Free-man is Punishable by Fine, a Servant shall receive Corporal Punishment *viz.* For every Five hundred pounds of Tobacco, Twenty Lashes; and so many such several Punishments as are Five hundred Pounds of Tobacco included in the Fine, unless their Master or other Acquaintance will Redeem them by making Payment: And it is further Enacted, That if any Person shall by procurement of the Servant upon promise and agreement for future Service, pay the Fine and Release him from Punishment, such Agreement made, shall notwithstanding the Coverture, bind such Servant to performance after his time by Indenture is Expired: And further that the Master have like Remedy against the Servant, in Case of his Trespassing against him.

*Servants that are Offenders, not being capable of paying a Fine, are to receive Corporal Punishment.*

## VI.

## *An* Act *concerning Bounding of* Counties *and* Parishes.

WHereas there is a Law that binds us to the Bounding of our Lands: Be it Enacted by this present Grand Assembly and the Authority thereof, That the same Law be in force to the Bounding of our *Counties* and *Parishes*.

*Counties and Parishes to be Bounded.*

## VII.

## *An Act repealing the Act of* 10*s.* per *Hogshead.*

WHereas the imposition of Ten Shillings *per* Hogshead on Vessels trading from *New-England* and the adjacent Plantations, hath probably hindred their trading in

*The Act for Payment of 10s. per Hogshead repealed.*

this Countrey, and drawn much trading to *Mary Land*, which the Burgesses taking into their serious Consideration, and requesting the Right Honourable Sir *William Berkley* Knight and Governour, who most heartily and willingly granted the taking off the said imposition of 10s. *per* Hogshead: Be it therefore Enacted by this present Grand Assembly, That all Vessels trading here out of *New-England*, or any other the adjacient Plantations in *America*, shall from henceforth be free from the imposition of 10s. *per* Hogshead, and pay no other Dues, Duties or Customs, then any other Ships or Vessels trading here out of *England*, or any other his Majesties Dominions.

## VIII.

## *An Act concerning the* Indians.

*The Act concerning Murders committed by* Indians *made General.*

WHereas at a Grand Assembly held at *James City September* the 10*th* 1663, it was provided, That where any Murder was committed by the *Indians* upon the *English*, the next Town of *Indians* was to use their uttermost Endeavour for the bringing in and discovering the Actors and Doers thereof, and in regard the said Act was only limited upon the *Northern-Indians*: This Grand Assembly have thought fit to Enact, and be it Enacted, That the said Law be made a General Law against all *Indians* whatsoever; and where any Murders shall be committed upon the *English*, the next Town is to use all their care and diligence in finding the Doers and Actors of the said Murders: And be it further Enacted, That if any *Englishman* be murdered, the next Town shall be answerable for it with their Lives and Liberties to the use of the publick and that the Honourable Governour be humbly requested forthwith to impower such persons as his Honour shall think fit in each County on such occasions for putting the said Law into immediate execution. And that it be made known to all *Indians* whatsoever by those persons so commissioned

missioned, within Two Months after the said Law is in force: And be it further Enacted by this Grand Assembly, That the said *Indians* shall not have power within themselves, to elect or constitute their own Weromance or Chief Commander; but the present Honourable Governour and his Successors, from time to time shall constitute and authorize such Persons, in whose Fidelity they may find greatest cause to repose a confidence to be Commander of the respective Towns; and in case the *Indians* shall refuse their Obedience to, or Murder such person, then that Nation of *Indians* so refusing or offending, to be accounted Enemies and Rebels, and be proceeded against accordingly: And whereas the careless manner of the *English* in going un-armed to Churches, Courts, and other Publick Meetings, may probably in time, incite the *Indians* to make some desperate attempt upon them: It is further Enacted, That the Honourable Governour be requested to issue his Commands to the Officers of the *Militia*, to take care to prevent the same: And it is further Enacted, That any person or persons, that shall harbour, entertain or imploy any *Indian*, shall be fined Five thousand pounds of Tobacco, or suffer one years Imprisonment without Bail or Mainprize, unless such as shall give sufficient Security to the *County Court*, and upon such security obtain a Certificate from the said Court, and upon that Certificate a Licence from the Governour: And whereas by the former Articles of Agreement, it was provided that no *Indians* which were seated on the South-side of *James* River, should come over the Black-Water, or the Southern Branches thereof: It is hereby Enacted, That the said Southern Branches of Black-Water, be from the head of those Branches to the present *Appomattuck Indian Town*, and thence cross the River by a continued Line to the present *Monakin Town*, be the bounds of the *Indians* on the South-side of *James* River.

*The Weromance or chief Commander of the* Indians, *shall be chosen by the Governour of* Virginia.

*No person shall harbour or imploy any* Indian, *without having first given Security, and obtained Licence of the Governour.*

IX. *An*

IX.

## An Act concerning the Building of a Fort.

*A Fort ordered to be Built.*

IN Obedience to his Majesties Royal Commands, and for the better defence of the Countrey, this Assembly have thought fit to Enact, and be it Enacted, That a Fort be Built with all convenient Expedition, where the Right Honourable the Governour shall think most convenient; and that Fourscore thousand Pounds of Tobacco be levied to that purpose, besides the sale of the King of *Potomacks-Land*: Be it further Enacted, That his Honour give power to press Carpenters, Labourers and other Work-men; and that the Carpenters finding themselves Diet and Lodging, be allowed Forty five Pounds of Tobacco *per* day: And for the better expediting and finishing the said Fort, It is hereby Enacted, That it shall be lawful for the Surveyor of the Workmen, to cause Pines to be fallen in any mans Land for that use, paying to the Proprietor of the Land Six pence for each Tree: And it is further Enacted, That each person of the Trained-Bands in *James City* and *Surrey* Counties, contribute Six days Work towards the perfecting the said Fort, and to bring their own Provisions with them: And be it further Enacted, That Capt. *William Bassett* be Authorized Surveyor of the whole Work, and have Command of the Work-men therein imployed, the County gratifying him the said Capt. *Bassett* with Ten thousand pounds of Tobacco; And the Assembly taking into Consideration what persons be fit to keep the Fort, and be Captain of the same, Have Enacted, and it is hereby Enacted, That the said Soldiers that attend the Governour at General Courts, be ordered to keep the Fort; those Courts excepted where a single Centinel will be sufficient, and that the Capt. of the Guard have the Command of the Fort, and receive a fitting Annual Satisfaction for the same; and that the Souldiers likewise may have a competent Addition to the former pay: And it is further Enacted, That no Tobaccoes for these occasions be levied this year.

*The Governour to direct where.*

*Provisions for Building the same.*

X. *An*

X.

*An Act Preparatory to a Stint or Cessation.* Vide *Act* 1. October 23d 1666.

## At a Grand Assembly held at *JAMES CITY*, June 5*th* 1666.

I.

*An Act for a Cessation.* Vide *Act* 1. Octob. 23. Anno 1666.

II.

*An Act concerning Tenders of* Tobacco.

WHereas it hath been and still is the constant Endeavours of this Assembly to give all possible Encouragement to Merchants and Traders into this Collony, and hath hitherto left the receiving or refusing their Debts to their own discretions, without other restrictions to them or liberty to the Planter then this, That if by the last of *January* the Creditor did not demand his Tobacco, it might then be lawful for the Debtor to dispose of it; leaving the Debtor still liable to be sued that year for Security for his Debt. Upon which divers

persons for their private advantages did omit the demanding of the Tobacco in time, and thereby rendring the Planter uncapable of disposing of his Tobacco or clearing himself from the Engagements. For redress of which inconveniences, Be it Enacted by the Governour, Council, and Burgeises of this Grand Assembly and the Authority thereof, That if the Creditor refuse or omit to demand and receive his Tobacco by the last of *January*, that then it shall be lawful for the Debtor at any time between that and the Twentieth of *February*, to address himself to the two next convenient Justices of the Peace, who are hereby required and impowered to appoint three honest and able Men of the Neighbourhood on their Oaths, to view the Tobacco: And if they find it legally Merchantable, whether Old or New, then to weigh and mark it for the use of the Creditor, on whose account the Tobacco so viewed and approved as aforesaid shall after lie; the Debtor still endeavouring to secure it as before the Tender: and the Debtor upon producing the Certificate of the said Tender from the said Justices to the next Court, that Court shall by their Order dischatge the Debtor from his Debt, provided the Tender be made in place according to Specialty. And it is further Enacted by the Authority aforesaid, That in Case of Difference between the Debtor and Creditor, or his Attorney, if either of them be present, whether the Tobacco tendered be merchantable or not, then, two Commissioners as aforesaid, are hereby impowered to appoint a third person as an Indifferent Umpire to determine the difference between them.

Creditors *to demand and receive their* Tobacco *by the last of* January.

*Difference between* Debtor *and* Creditor *whether the* Tobacco *tendered be merchantable or not, to be decided by an Umpire.*

## III.

## *An Act for Altering the Day of the* General Court.

WHereas the Right Honourable the Governour and Council, for divers Reasons them thereunto moving, have desired that the General Court beginning by the present Act the Twentieth day of *March*, may

hence

hence forth be held the 15*th* day of *April*: It is Enacted by this present Grand Assembly and the Authority thereof, That the said Court be not hereafter held upon the 20*th* day of *March*, but upon the 15*th* day of *April*, as by this Act is Provided and Confirmed.

*The General Court to be held on the Fifteenth of* April.

## IV.

## *An Act for repeal of the Act preparatory to a* Stint.

VVHereas the Act preparatory for a Stint or Cessation, imposed a Rate upon Wheat of Three Shillings or Thirty Pounds of Tobacco *per* Bushel: The Governour, Council, and Burgesses of this Assembly considering the Low Prizes Tobacco hath been purchased at, and lest the Creditor should draw the price there set into president, have thought fit to Enact, and do Enact by the Authority thereof, That the said Act be to all intents and purposes repealed and made void and null.

# At a Grand Assembly held at JAMES CITY October 23d Anno 1680.

## I.

## An Act for a Cessation.

*The Act for Cessation of Planting* Tobacco *from the First of* February 1666, *to the First of* February 1667, *declared to remain in force.*

WHereas at an Assembly held at *James* City the Fifth of *June* 1666, it was Enacted, That a Cessation from Sowing, Setting, Planting, or Tending *Tobacco*, from the First of *February* 1666, until the First of *February* 1667, should be established in this Countrey of *Virginia*, in case the Province of *Carolina* should give their assent to the same, as the Province of *Mary-Land* by their Act of Assembly had engaged to do: Both their said Acts of Assembly of *Mary-Land* and this Countrey impowering certain Commissioners to treat and conclude of the best means of security for putting the said Acts into effectual execution: By vertue whereof the Commissioners in the said Act nominated and appointed, did upon the Tenth day of *July* following meet at *James-City*, and then and there concluded and agreed upon certain means and ways for putting the said Acts into effectual practice, and for the prevention of all frauds and deceits that might be practised therein, as by the Articles there made more fully doth appear. At which Meeting the Commissioners of that Province of *Carolina* did also oblige themselves that the Province of *Carolina* should by an Act of their Assembly confirm the Agreements aforesaid, and transmit the said Act to the honourable Governours of *Virginia* and *Mary-Land* by the last of *September* next ensuing. But whereas by reason of the said Provinces then Engagement in repelling the Assaults of the adjacent *Indians*, that their Acts, though fully at their Assembly cor-

confirmed, could not be sent to *Virginia* and *Mary Land* by the time in the Articles agreed upon. For which cause the Governour and Council of *Mary Land*, though they still acknowledge the Act it self for a total Cessation from Planting as aforesaid to remain in its full force, and in pursuance of the Establishment thereof, have caused a Proclamatiou to issue, requiring and commanding all persons in the said Province to yield conformity and due obedience thereto: of which to testifie their full intents of executing the said Act, transmitted a Copy to the Right honourable the Governour of *Virginia*, yet in his Letter declaring, That by reason of the said *Act* of *Carolina's* not coming to them by the time in the Treaty prefixed, They conceived that all the Articles in the said Treaty containing the means to have the Act assuredly and without fraud put into practice became void: And for that cause another Treaty must of necessity be required, which Reasons the Governour, Council, and Burgesses of this Grand Assembly taking into their serious Consideration, have Enacted and Declared, and by these Presents do Enact and Declare, That the aforesaid Act of the Fifth of *June*, prohibiting the Sowing, Setting, Planting or Tending Tobacco from the First of *February* 1666, until the First of *February* 1667, is and remains in full force, and is hereby Ratified and Confirmed: And all persons are required to take notice thereof, and yield their due obedience thereunto. For the surer Establishment thereof, the Commissioners in the aforesaid Act nominated and appointed, or so many of them as are there required, are hereby again impowered and desired to renew the former Treaty with the Commissioners of *Mary Land*, and to re-establish the Articles in the former Treaty agreed upon and concluded; the Grand Assembly hereby obliging themselves, That the Publick Faith given by the said Commissioners for observance of the said Articles under their Hands and Seals, and the like reciprocally taken from the Commissioners of *Mary Land*, shall bind this Countrey and every Inhabitant thereof, to a full performance in the said Act. And that no scruple may remain, are fully agreed, That Two Instruments of one Tenor, made one to the Governour of *Virginia*, the other to the Lieutenant General of *Mary Land* from the Governour of *Carolina*, That the Inhabitants of that Province will truly observe the Articles agreed upon be-

Mary-Land *to concur in the Cessation.*

tween the Governours of *Virginia* and *Mary Land*, shall be accepted and reputed a sufficient Engagement for the Conformity of that Province in the observance of that Act; And if there should appear to the Commissioners any emergent occasion for any thing or things in the aforesaid Treaty Concluded and Agreed upon to be added or altered, they are by this Act impowered to proceed therein as they in their discretions shall find the necessity of Affairs to require: And the Governours Honour is hereby requested by his Honours Commission and Instructions, to confirm the full Power and Authority unto them; and to the intent that Notice may be given to the Honourable Lieutenant General of *Mary-Land*, of our Intentions to renew the Treaty the Governours Honour hereby requesting to send Message to the Lieutenant General of *Mary-land* to certifie to him that upon the 7*th* day of *December* next, or as soon after as Wind and Weather will permit, the Commissioners of this Countrey will meet the Commissioners appointed for that Province at St. *Maryes* in *Mary-Land*, to put in Execution the aforesaid act of Assembly; by which means all Obstacles and Doubts will be taken away, and the aforesaid Law receive a plenary and effectual Execution: And it is further Enacted, That the Governours Honour be requested so soon as possible after the Conclusion of the Treaty, to publish and declare by his Honours Proclamation the full intent and tenor thereof to the several Counties of this Collony.

II.

## *An Act shewing how* Debts *are to be paid the* Cessation year.

WHereas it is apparent to all that the Establishment of a Cessation from Planting, will certainly advance the Gains of the Merchant, by giving him time to vend his Commodities: And for that Consideration

ſideration it might be juſtly expected, that he ſhould make ſome proportionate abatement in his Debts; Yet this Aſſembly whoſe care it hath ever been to preſerve the Rights and Properties of every Perſon free from the leaſt violation, have ſtill continued the ſame entire, and have only for the ſupply of peoples Neceſſities and enabling them to provide for their Subſiſtance in the *Vacant year* from Planting, have Enacted, and by the Governour, Council and Burgeſſes of this Grand Aſſembly and the Authority thereof; Be it Enacted, That for all Debts already Contracted to be paid this preſent year in Tobacco, except publick Dues; any Debtor paying one half of the ſaid Debt in kind, ſhall have liberty for the payment of the other half until the 10*th* of *November* 1668, giving reaſonable Security, if requeſted, to pay the remaining half at the time aforeſaid: and in caſe the Creditor will not ſtay out that time, but proſecute the Debtor for payment to be made ſooner, it ſhall be in the liberty and choice of the Debtor to make Tender of his Eſtate before the next Juſtice of Peace, to legal valuation, for Payment of the ſaid Second Moiety: Provided, That if the ſaid Debt be under Two Hogſheads of Tobacco, it ſhall not be lawful for the Debtor to prejudice the Creditor by breaking a Hogſhead of Tobacco, and paying a Parcel thereof.

*Debts due the Ceſſation-year, to be paid one half down.*

*Time to be allowed for the other half, giving reaſonable Security.*

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III.

## *An Act for Valuation of* Commodities *for payment of* Publick Dues.

BE it alſo further Enacted by the Authority aforeſaid, That all Publick Dues this year, in regard of the Ceſſation and Cauſe that expectation of advancing the Value of Tobacco, there be an abatement of

of the Sums formerly allowed: And that all Publick and County Debts, Ministers and Parish Dues, Officers Fees, Fines, Quit Rents, and all other Rates and Debts generally that shall be contracted and become due in the vacant year from Planting, may be paid in the Countrey Commodities at the Rates here following: *Viz.* Wheat, Garravances, and English Pease *per* Bushell Forty pounds of Tobacco, or Four Shillings, Indian Corn shell'd Two Shillings or Twenty pounds of Tobacco, Barley *per* Bushell Thirty five pounds of Tobacco or Three Shillings six pence. Wound Silk *per* pound Two hundred pounds of Tobacco or Twenty Shillings, Indian Pease of all sorts except Garravances *per* Bushell Thirty five pounds of Tobacco or Three Shillings six pence, Oates *per* Bushell Thirty pounds of Tobacco or Three Shillings: Provided, That for prevention of Inconveniences that the Receiver is subject to, if he have not Cask to carry his Grain, it is further Enacted, That the Debtor shall provide and pay the Grain in Cask, and the Creditor to allow him Ten *per Cent.* as in case of Tobacco. No rate is set upon Flax, by reason of the uncertainty of the Quantity; nor Beef nor Pork, because perishable; but both these left to valuation according to Condition and Goodness.

*Valuation of Commodities for payment of Publick Dues, during the Cessation from Planting.*

IV.

## *An Act for Rating of* Ordinary Keepers. Vide *Act* 3. Anno 1671, *and Act* 10. Anno $167^{6}_{7}$.

V. *An*

## V.

## *An Act ascertaining* Surveyors Fees.

WHereas the Act concerning the Fees of Surveyors, by reason of the low rates set therein, which seems to have been first made above Twenty years since, when *Tobacco* bore a greater value then can now be expected, deters any Man of Parts, Abilities, or Integrity, from exercising the said Functions, in the faithful and well discharge whereof, the peace and possession of the Inhabitants of this Countrey are so much concerned, and yet for want of a Penalty therein expressed, leaves a Liberty to every one to extort from the People what Sums they please: Be it therefore Enacted by this present Grand Assembly and the Authority thereof, That for encouragment of able Men in that Science to practice the same, that the Fees limited in that Act be doubled; *viz.* Forty pounds of Tobacco for measuring every Hundred Acres of Land, if the whole Divident exceed not, or amount to One thousand Acres; but if under that Quantity, then Four hundred pounds of Tobacco; and for the same shall deliver an exact Plat of the Land Surveyed: And if any Surveyor upon reasonable Demand, not being by Sickness or any other lawful Impediment hindred, shall refuse to measure the Land of any Person whatsoever, for the Consideration and Satisfaction aforesaid; every such Surveyor shall be fined and pay for such his Refusal, Four thousand pounds of Tobacco; and for exceeding the Fee, Two hundred pounds of Tobacco for every Hundred Acres, half to the Party injured, and the other half to the Informer, to be recovered by Action of Debt in any Court of Judicature in *Virginia*: But if the Surveyor go further from home, then he can return in a day, then such Satisfaction to be allowed him as by the former Act is allowed.

*Fees formerly allowed to* Surveyors *doubled.*

Surveyors *refusing to measure Land at the Rates herein appointed, to be fined.*

## VI.

## *An Act repealing the Act of Encourage-ment for* Killing *of* VVoolves.

County Courts *shall make* By-Laws *for rewarding the Killing of* Woolves.

VVHereas in ſome Frontier Counties the number of Woolves killed and brought in by *Indians*, though from never ſo remote places, hath very much encreaſed the Taxes of the ſaid Counties when no benefit hath accrued; the Heads of the ſaid Woolves being purchaſed by ſome Inhabitants there, for Lucre of Encouragement given by Act, to the inſupportable burthen of the people: Be it Enacted by this preſent Grand Aſſembly and the Authority thereof, That the allowance for Woolves killed by *Indians*, and the injury of the perſons and places by whom and when they are killed, be wholly left to the County Courts by their By-Laws to take care and provide for, as ſhall be found moſt requiſite for the conveniency and occaſions of each County: Notwithſtanding the Governour and Council have aſſented to this, at the deſire of the Burgeſſes, are of Opinion that this Act will be by the chief deſire thereof quickly repealed.

VII. A

## VII.

## *An Act concerning the* Salt-VVork *at* Accomack.

Obsolete

VVHereas the County of *Northampton* hath ſhewed, That by a former Act of Aſſembly, the importation of Salt into that County was prohibited for the greater Encouragment of Coll. *Edmund Scarburgh*, who had erected a Salt-work at *Accomack*, but he not furniſhing the wants of the People in that County of *Northampton* according to expectation, and the Law reſtraining their Relief from other places: Be it therefore Enacted by this preſent Grand Aſſembly and the Authority thereof, That the ſaid Act, for ſo much as relates to that County of *Northampton*, be henceforth repealed, and Liberty and Licence granted and given to any perſon to import and ſell Salt there as freely as before that Act of reſtraint he might have done; Collonel *Scarburgh* himſelf having given his full aſſent to this Repeal.

Salt *permitted to be again imported and ſold in* Northampton County.

## VIII.

## *An Act concerning* Indians, *repealed by the 5th Act* Anno 1671.

IX. *An*

1660



## IX.

Obsolete

## *An Act for* Supply *of* Ammunition.

*Each* County *impowered to make* By-Laws *for the provision of necessary Ammunition at the County Charge.*

WHereas there is a general Complaint of th want of Ammunition for defence of th Countrey in these times of eminent Danger It is Enacted by this Grand Assembly and the Authorit thereof, That each County shall by their By-Laws b impowered to make such Provision thereof at a Count Charge, as their several Occasions shall be found nece sary to require.

## X.

Obsolete

## *An Act for Setting up* Looms *in eac* County.

WHereas the present obstruction of Trade and th nakedness of the Countrey, do sufficiently vidence the necessity of providing a supply our Wants, by improving all means of rai ing and promoting Manufactures among our selves, a the Governours Honour having by apparent Demonstrat ons manifested, that our Poverty and Necessity procee more from want of Industry then defect of Ability, sin that Five Women, or Children of Twelve or Thirte yea

years of age, may with much ease provide sufficient Cloathing for Thirty persons if they would betake themselves to Spinning, which cannot be Objected against, if Weavers and Looms were once provided: For the better Effecting whereof, Be it Enacted by the Authority of this Grand Assembly, That within two years at furthest after the date of this Act, the Commissioners of each County-Court shall provide and set up a Loom and a Weaver in each of the respective Counties of this Countrey at the charge of the County; And that no private person setting up a Loom at his own Charge, shall excuse the County from setting up a publick one; but that every Court neglecting to perform the Tenor of this Act, shall be fined Two thousand pounds of Tobacco to the use of the Publick and Informer: Provided that the executing thereof in the Counties of *Rappahanack*, *Stafford*, *Westmorland* and *Northumberland*, who by the newness of their Grounds pretend themselves uncapable of making Provision for the soon Employment of a Weaver, be respited for Four years after the date hereof.

*A Loom to be set up and a Weaver provided for each County within Two years.*

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## XI.

## *An Act Imposing a* Fine *for entertaining* Run-aways.

WHereas divers ill disposed Persons not valuing the Fine imposed by *Act*, which by the inconsiderableness thereof, they think not worth the Pains or Charge of recovery, do harbour and give Entertainment to Loitering Run-away Servants for two or three days, or more; thereby encouraging the said Servants

vants in ſuch lewd courſes: For prevention whereof, Be it Enacted by the Authority of this preſent Grand Aſſembly, That what perſon ſoever, contrary to the Act in force, ſhall harbour or entertain any ſuch Run-away Servant, ſhall be fined and pay Sixty pounds of Tobacco for each day and night he ſhall ſo harbour them, to be recovered by the Maſter or Owner of the ſaid Servant, by Action of Debt in any Court of Judicature in this Countrey. This Act extending only to thoſe Servants that ſerve by their firſt Indenture.

*Such as entertain* Run-aways *fined.*

## XII.

## *An Act concerning* Servants *coming in without* Indentures.

WHereas the preſent Act in force preſcribing how long Servants coming in without Indentures ſhall ſerve, enjoyns all Servants adjudged by the Courts to be Sixteen years of Age, to ſerve but Five years, and all under to ſerve until they be Twenty four years old; by which inequality a Servant if adjudged never ſo little under Sixteen years pays for that ſmall time Three years Service; and if he be adjudged more, then the Maſter loſes the like: Be it therefore Enacted, That the ſaid Act be from henceforth altered and amended; *viz.* That all Servants coming in without Indentures after the Expiration of this Seſſion of Aſſembly, ſhall ſerve according to their Age, *viz.* If adjudged Nineteen years or above, then to ſerve Five years; if under that Age, then to ſerve ſo many years as he wants of Twenty four when his Age is adjudged by the Court: And that every Maſter intending to Claim the benefit of this Act

*The time* Servants *coming in without* Indentures *ſhall ſerve.*

is hereby required within Two Courts at furtheſt, after he hath bought or imported a Servant as aforeſaid, to carry him to the Court, who by a preſent Inſpection at that time will be beſt enabled to paſs Judgment upon the Matter.

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## XIII.

## *An Act for* Criminals *to bear their own* Charges.

Whereas the Charge of proſecuting Criminal Perſons hath been hitherto uſually defrayed, part by the Publick, but moſt by thoſe Counties where the Offenders dwelt or the Fact was committed, for avoidance of which Charge it is probable that many Lewd Livers by a too favourable Cenſure eſcape their deſerved Puniſhments: Be it therefore Enacted by the Grand Aſſembly and the Authority thereof, That where the perſon committed hath Eſtate ſufficient to defray the Charge of his Proſecution, the Publick or County ſhall not be charged, but the whole paid out of the Delinquents Eſtate, and the Publick and County only then liable to ſatisfie where no Eſtate or not ſufficient can be found and diſcovered.

Criminals (*having Eſtates*) *ſhall defray the* Charge *of their own proſecution.* *Otherwiſe to be proſecuted at the* Charge *of the* County.

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## XIV.

## *A* Diſpenſation *for* Lower Norfolk *to ſhip their* Tobacco, *a private Act.*

XV. *An*

Obsolete

## XV.

## *An Act repealing the Acts of* Encouragement.

*All Acts of* Encouragement *repealed except the Act releasing the Imposition of 2 s. per Hogshead to the Inhabitants of this* Collony.

WHereas the Prudence and Care of the Publick Good in former Assemblies, thought fit for the Advance and Promotion of Trade, Manufactures, and Staple Commodities in the Countrey, to grant out of the Publick certain Encouragements for Building of Vessels, making of Silk, Cloth, *&c.* By which means divers people being induced to put the same in practice, have by their success made evident demonstrations how beneficial the same will be; This Assembly in hopes that all People now convinced of the Profits accruing thereby, will of their own accord vigorously prosecute those apparent profitable designs; Have therefore for the ease of the Publick Taxes thought fit to Enact, and by this Grand Assembly and the Authority thereof, it is Enacted, That all Acts of Encouragment of Silk, Building of Vessels, or any other things else, henceforth be generally and totally Repealed and Void, except the Act for release of the Impost of two Shillings *per* Hogshead to Inhabitants of this Countrey adventuring in Vessels belonging properly and solely to *Virginia-Owners*, according to the 134*th* Act of Assembly. And moreover, That the Act for not planting *Mulberry-Trees*, which every one intending to make Silk, now voluntarily propagate, be also repealed and made void.

XVI. *An*

# XVI.

## An Act for Millers to Grind according to Tourne.

Revised

WHereas divers Owners and Keepers of Publick Mills in this Country, do refuse to Grind Corn according to Tourne, for the Reward and Toll already set and appointed by Act; Be it enacted by this Present Grand Assembly, and the authority thereof, that what person soever, Master, Owner or Lessee of any Mill, shall refuse to grind as aforesaid, shall be fined and amerced, One Thousand Pounds of *Tobacco* for every such offence; And if the Miller so refusing be a servant, he shall be punished at the discretion of the County-Court, where the offence shall be committed, and complained of, unless the said servant can prove that what he did was done by order of the Master; which Fine shall be recovered by any person injured by Action of Debt in the Court of that County where the offence was committed.

# XVII.

## Au Act *Including Sheep in the* 77th Act.

WHereas the seventy seventh Act concerning the Insufficiency of Fences, prohibits any injury to be done to several sorts of Beasts and Cattle, amongst which Sheep are not Included, It is hereby enacted, that from henceforth Sheep shall be comprehended in the said Act, and damages recovered for any injuries done to them, by vertue of the Act aforesaid, as for other Cattle is there provided.

*Sheep Comprehended in the Act concerning insufficiency of Fences.*

# XVIII.

## An Act Ascertaining Dammages upon Protested Bills of Exchange.

*Dammages upon protested Bills of Exchange shall not exceed 15. per Cent.*

WHereas it appears that many *Bills* of Exchange drawn upon persons in *England* by people resident in this Country, in confidence that the Goods by them sent, might produce effects sufficient to satisfy them, which expectation being frustrated sometimes by the miscarrying of the Ship, sometimes by not sail of the Goods, or pretence thereof by the Parties on whom they were drawn, causes the said Bills to be protested, and by the great dammage of thirty per *Cent.* given by Act against the Party that charged them is found to tend too much to the detriment and prejudice of the Inhabitants of this Country, It is therefore enacted by this Present Grand Assembly and, the authority thereof, that from henceforth the dammage upon Bills of Exchange protested, shall not exceed fifteen *per Cent.* and that the former Act giving thirty *per Cent.* be hereby repealed and made void.

# XIX.

## An Act *declaring that no Justice shall take Fee.*

WHereas there is an Act intended for the Relief of poor people, that Causes not exceeding the value of twenty shillings *sterl.* or two hundred pounds of *Tobacco*, might be determined by a Justice of the Peace without further suit; and whereas Complaint hath been made that some of the Justices have contrary to the good intent of the said Act exacted Fees from the Parties coming before them for Justice, to a greater value then the thing sued for amounted to; It is enacted by this Grand Assembly, & the Authority thereof, that it shall not be lawful for any Justice of the

the Peace to receive of any person any Fees for any Cause or Matters brought before him or determined by him.

## XX.

## An Act *declaring what is meant by Seating of Land.*

WHereas there is in all Pattents a provisional Clause for Planting or Seating the Land therein granted within three years, but never yet by any Law declared what was meant by that Clause, nor what should be accounted sufficient Seating or Planting; This Grand Assembly, for the better explanation thereof, have declared and enacted, and by the authority thereof, do enact and declare, That building a house, and keeping a stock one whole year upon the Land, shall be accounted Seating, and that clearing, Planting and Tending an Acre of ground for one year, shall be accounted Planting, and that either of these shall be adjudged as a sufficient performance of the condition required by the Patent; and that after such Planting or Seating the Land as aforesaid, and continuance of paying the Quit-Rents, no Land shall be adjudged to be deserted.

*Building a house and keeping a stock one whole year upon Land, shall be accounted sufficient seating thereof.*

## XXI.

## An Act *concerning Imperfect Pattents.*

WHereas the Honourable *Thomas Ludwell* Esquire, hath Informed the Assembly, that he finds in the Records, many Patents for great parcels of Land, for which there appears not any Rights upon Record of them extant, upon which the Assembly, taking the Premises into serious consideration, and also the great trouble and prejudice that may ensue to divers honest Inhabitants of this Country, in asserting their Titles, though in truth never so good, yet by these neglects of the Clerk, rendered in strictness of Law altogether invalid, for Remedy whereof, the Governour

vernour, Council and Burgesses of this Present Grand Assembly have enacted, and it is by the authority thereof, Enacted and Ordained, that for preservation of all Present Tytles and prevention of future Trouble, That all Lands held by former Patents, of which there is no Record extant, or to which there are no Rights annexed in the Records until the date of this Present Assembly, shall for ever be held valid and firm, according to the claims of the several Patents, those defects being found to have happened by the neglect of the Clerk in those times in not making present entry of the Rights delivered to them, and the Casualty of of two several Fires whereby many of those Rights, with other Papers were destroyed, the Assembly hereby rendring Thanks to Mr. *Secretary* for his care of preventing future trouble, and requesting him to continue it in not suffering any Patent hereafter to pass the Office, before the Rights are entered, and the Patent compared with the Record.

*Former Patents shall remain firm and valid although no Record thereof be extant.*

*All Patents shall for the future be compared with the Record before they pass the Office.*

## XXII.

### An Act *commanding* Law-*Books to be provided for each County.*

WHereas for the better Conformity of the Proceedings of the Courts of this Country to the Laws of *England*, it appears necessary, that for the better direction therein, all the former Statutes at large, and those made since the beginning of the Raign of his most Sacred Majesty that now is, and some other esteemed Books of *Law*, be purchased; It is therefore by this Grand Assembly, and the authority thereof, accordingly enacted, that all the aforesaid Statute-Books, and *Daltons* Justice of the Peace, and Office of a Sheriff: and *Swainbournes* Book of Wills and Testaments be sent for by Mr. *Auditor*, and paid for out of the two shillings *per* Hogshead, and the like Books to be sent for by some of the Commissioners of the County-Courts for the use of the Respective Counties, and paid for out of the County-*Levy*.

XXIII. An

1666



## XXIII.

## An Act *Impoſing Fines on Refractory Perſons.*

WHereas the Officers of the *Militia* have Complained, that divers Refractory Perſons have in Contempt of authority impowering them, and to the ruine of all Military Diſcipline refuſed to appear upon the days of exerciſe and other times when required to attend upon publick ſervice; It is enacted by this Grand Aſſembly, that every perſon neglecting to appear, ſhall for every ſuch Neglect be amerced and fined, one hundred pounds of *Tobacco*, to be diſpoſed of by the *Militia*, for the uſe of the Regiment; And that the Commanders return of ſuch Fines to the Sheriffs of the Reſpective Counties ſhall be ſufficient Warrant, in caſe of the Parties denial of payment to levy the ſame by diſtreſs. Provided, that if before the laying of the Levy, the Party Amerced do ſhew to his Commander ſuch cauſe of his abſence as by the Commander, ſhall be adjudged reaſonable then the Party to be excuſed and the Fine not returned.

*Such as refuſ to appear on the days appointed for the exerciſe of the Militia. fined an hundred pounds of Tobacco.*

## XXIV.

## An Act *for the better explanation of the 16th* Act *in the Printed Book.*

WHereas the ſixteenth Act for Sheriffs to take Bail was miſinterpreted, and ſome words left out; It is Enacted, that for prevention of Miſtakes in Courts of Judicature, a Copy be tranſcribed out of the Original for Correction of miſtakes of the Printed *Book* which followeth; Be it alſo hereby enacted, That all Sheriffs ſhall take ſufficient Bail of all perſons Arreſted, with this condition, to bring forth the Party Arreſted or perform the award of the Court, and if they ſhall neglect to take ſufficient Bail of the Party arreſted, or otherwiſe conſent to be the cauſe of his eſcape, then the ſaid Sheriff ſhall be lyable to pay the award of the Court himſelf; and ſhall alſo pay in caſe the Conſent to the eſcape be proved, one thouſand pounds of *Tobacco*, one half the

*Sheriffs neglecting to take Bail or con*

*senting to the escape of the Prisoner shall pay the award of the Court, shall be fined a 1000 l. of Tobacco, if his consent to the escape be proved.*

the Publick, the other half to the Party grieved for his delay in recovering the Debr, but if Bail be taken, and the Party appears not to anſwer, then Judgment ſhall be awarded a-gainſt the Bail, always provided that the Sheriff or Bail, ſhall if he deſire it have an Attachment againſt the Eſtate of the Party arreſted, and not appearing, and further, that if the Sheriff or Bail ſhall at the next Court to that which the arreſt was made, appear and bring forth the Body of the Party ſo arreſted to anſwer the ſuit; Then the Sheriff or Bail ſhall be acquitted from the Judgment paſt againſt them.

## *At a* Grand Aſſembly *held at* JAMES *CITY* September 3. Anno 1667.

## I.

### *An Act for Tobacco of* Mary-land *growth to be free from Duties.*

WHereas there is an Order at preſent in force, requiring that all Tobacco though of *Mary-land* growth, ſhip-ped in Ships riding in any Harbour of *Virginia*, ſhould pay the Impoſt of two ſhillings *per* Hogſhead; and whereas at preſent the Inhabitants of the ſouth-ſide of *Virginia* in *Poto-mack* River are inforced for their preſent neceſſity, to lay out or Ship the greateſt part of their Tobacco in Ships riding in the Government of *Mary-land*, for which as is ſaid, they are to pay the like Duties of two ſhillings *per* Hogſhead, as is paid for *Mary-land* Tobacco ſhipped upon Ships riding in *Virginia*; Be it Enacted by the Governour, Council and Burgeſſes of this Preſent Grand Aſſembly, and the authority thereof, That for Relief of the ſaid Inhabitants of *Virginia*, who are otherwiſe likely to pay double Duties, That no To-baccoes of the growth of *Mary-land*, though laden in Ships riding in any Harbour in *Virginia*, ſhall be lyable to pay any

*Vir-*

1667



*Virginia* Duties from the date of this Act until the first of *October*, which shall be in the year of our Lord, 1668. Nor after, if the next Assembly find cause to continue it. Provided that if the Government of *Mary-land* do lay Impost upon *Virginia-Tobacco* shipped in Ships riding in their Harbour, then this Act to be absolutely Void and Null, and all Tobacco of *Mary-land* growth laden a board any Ship in *Virginia* to pay Duties as formerly. Provided also, that if any person shall fraudulently send on board any Ship in *Virginia*, Tobacccoes of the growth of *Virginia*, and pretend the same to be of the growth of *Mary-Land* intending thereby to defraud the Country of their Dues, he shall forfeit the Tobacco so laden and concealed.

*How lon this Act continue force, an on what ditions t be repeal*

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## II.

## An Act *declaring that Baptism of Slaves doth not exempt them from Bondage.*

WHereas some doubts have arisen whether Children that are Slaves by Birth, & by the Charity & Piety of the Owners made Partakers of the Blessed Sacrament of Baptism should by vertue of their Baptism be made free; It is enacted & declared by this Present Grand Assembly, and the authority thereof, that the conferring of Baptism doth not alter the condition of the person as to his Bondage or Freedom That divers Masters freed from this doubt may more Carefully endeavour the propagating of Christianity by permitting Children though Slaves, or those of greater growth if capable to be admitted to that Sacrament.

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## III.

## An Act *of encouragement for Erecting Mills.*

WHereas it would conduce much to the Convenience of this Country both for grinding of Corn, and nearer Roads if Mills were erected at convenient places, which divers persons would willingly do, if not obstructed by

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by the perverseness of some persons, not permitting others, though not willing themselves to promote so publick a good; It is enacted by this present Grand Assembly, and the authority thereof, that if any person willing to erect one or more Mills upon convenient places, hath Land only on one side the said place, and the Owner of the Land on the other side, refuse to let him have an Acre of Land to the use aforesaid, That then the Countie-Court upon request of the Party so refused, shall order and impower two Commissioners, or such other Credible Person as they shall think fit to view the said Land; And if it take not away housing, or Orchards, or other immediate Conveniencies, then to vallue the said quantity of Land, and to put the same into the possession of the Party building the said Mill or Mills, he paying the consideration the Land is valued at; And it is further enacted, that the like liberty shall be granted for two Acres of Land and no more for erecting Churches or Court-houses. Provided that in case of desertion of any Structure, the Land shall revert to the first Proprietor, he paying what he received for it.

*Two Commissioners may be impowered by the County-Court, to appoint convenient places whereon to erect Mills.*

*Also for building of Churches or Court-houses.*

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# IV.

## An Act *for Roads to Houses.*

WHereas the dispatch of Business in this Country is much obstructed for want of Bridle ways to the several houses and Plantations, It is Enacted by this Grand Assembly, and the authority thereof, that every person having a Plantation, shall at the most plain and convenient place that leads to his house make a Gate in the Fence for the Convenience of passage of Man and Horse to his house, about their Occasions at discretion of the Owners.

*Convenient passage for Man and Horse shall be made to every Plantation.*

V. *An Act against Exportation of Corn.* Vide *Act* 3. Anno 167½.

VI. *An Act for Rating of Ordinary-Keepers.* Vide Act 10 Anno 1676.

VII. *An Act for Forts to be built in each River.* Vide Act 2 Anno 1668. *and* Act 1. Anno 1672.

# At a Grand Assembly held at JAMES CITY, September 17. 1668.

## I.

### An Act for Establishing a Fast.

WHereas the many Sins of this Country may justly provoke the Anger of Almighty God against us, and draw down his Judgments upon us, unless diverted by a timely and hearty Repentance; The Governour, Council and Burgesses, taking the same into their serious considera-tion, have enacted, and do by these Presents enact, That the 27th day of *August* next, be set a part for a day of Hu-miliation, hereby strictly requiring all persons on that day, to repair to their Respective Parish-Churches, with Fasting and Prayer, to Implore Gods Mercy, and deprecate the E-vils justly impending over us; And be it further enacted, that if any person or persons in contempt hereof, shall be found on that day Gaming, Drinking, or Working, (works of necessity excepted) he or they so offending, upon Present-ment of the Churchwardens, and proof thereof made to the Vestry, shall be fined one hundred pounds of Tobacco, half to the Informer, half to the poor of the Parish; And it is further enacted, that all Ministers in the Parish where they reside be required to repair themselves to the solemniz-ing that day.

## II.

### An Act for dispensation of Ships riding under the Forts.

WHereas the Act for erecting Forts enjoynes all Ships trading into this Country to ride within the com-mand of the Forts, now erected for security of the said Ships in times of War and Danger, and since God hath restored to us the Blessing of an Universal Peace, by which the necessi-ty occasioning that injunction is taken away; The Gover-nour, Council and Burgesses of this Grand Assembly, for the

 ease

ease and convenience of the Inhabitants and Traders have enacted, and by these Presents do enact, That Licence and Liberty shall be, and hereby is granted to all Merchants and Masters of any Ship or Vessel that already is or hereafter shall come into any River of this Country, to ride with their Ships in any part of that River, they shall make choice of, for better dispatch of their Affairs, and this permission to continue in force, until the Governours Honour find just cause to command the contrary.

*Ships permitted to Ride in any part of the River, where they may most conveniently unload.*

## III.

### *An Act concerning Dammages in Appeals*

WHereas the present Act about Appeals, seeming to take care only of the dammages sustained by Creditors in actions of Debt, is difficult in prescribing a Remedy upon actions in the Case Trespass, *&c.* By which impunity litigious persons do more boldly persist in stirring up and prosecuting malitious and unjust suits, to the great trouble, vexation and dammage of many honest men, and the breach of their Majesties Peace for Redressing whereof, It is enacted by the Governour Council and Burgesses of this Grand Assembly, and the authority thereof, That in all actions the dammages, costs and reasonable expences of suit recovered against the Appellant in the County-Court by Judgment or Verdict of a Jury, shall have fifty *per Cent.* raised upon all those costs and dammages in the General Court or Assembly (if Appeal be made to the General Court) against the person Appealing if cast in the suit.

*[illegible] given in County-Courts upon Appeal to the General Court if cast there, shall be raised* 50. per Cent.

## IV.

### *An* Act *about Correction of* Runaways.

WHereas it hath been questioned whether Servants running away may be punnished with corporal punishment by their Master or Magistrate, since the Act already made gives the Master satisfaction by prolonging their time of Service: It is enacted and declared, That corporal punishment moderately inflicted on a Runaway-Servant by Master or Magistrate, shall not deprive the Master of the Satisfaction allowed by the Law; the one being as necessary to reclaim them from further persisting in that idle course, as the

*Corporal punishment may be inflicted on Runaways.*

the other is just, to repair the Damages sustained by the Master.

V. *An Act Impowering County-Courts to build Work Houses, assisted by the Vestry.* Vide *Act* 10. An.1666

## VI
## *An* Act *permitting the* Exportation *of Horses and Mares.*

Obsolete

WHereas the numbers of Horses and Mares is so increased, that there appears not any occasion to continue the Restraint of their Exportation; It is enacted by this Grand Assembly, and the Authority thereof, That the Exportation of Horses and Mares shall be from henceforth free and the Act prohibiting it Repealed.

## VII.
## An Act *Continuing the Tax on Negro-Women.*

WHereas some doubts have arisen whether *Negro-Women* set free, were still to be accounted Tythable, according to a former Act; It is declared by this Grand Assembly, That *Negro-Women*, though permitted to enjoy the Priviledg of their Freedom, yet ought not in all respects to be admitted a full fruition of the Exemptions and Immunities of the *English*, and are therefore still liable to payment of Taxes.

Negro-women *though enjoying the priviledg of freedom, not exempt from the payment of Taxes.*

## VIII.
## An Act *concerning the Property of* Tobacco.

WHereas some question hath been made whether weighing or marking, or both, transferred the property of *Tobacco*; some persons having both by weight and mark received, and yet by the alteration of their own occasions have after refused the *Tobacco* so received, and upon pretence of non-acceptance, having the Specialties still in their hands, have recovered Judgments for sums that justly were discharged: Therefore be it enacted by this present Grand Assembly, and the Authority thereof, That Marking alone (being the usual way of appropriating all things) without Weighing, doth transfer the property of *Tobacco* to him that sets, or causes

*Marking of Tobacco alone, sufficient to Transfer the Property thereof.*

causes to be set his mark upon it: And that for ascertaining the sum paid, if the Receiver have not convenience to weigh it when he marks it, then he that pays it away, may after ten days respite, desire any Commissioner of that *County* to weigh the *Tobacco*, or cause it to be weighed; and the Attestation of the said Commissioner, or the oath of the person or persons by him deputed, shall oblige the Creditor to discount, or allow the quantity.

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## IX.

## An Act *for Restraint of* Tipling-Houses.

WHereas the excessive number of *Ordinaries* and *Tipling-Houses*, set up for the advance of a private Gain, are found to be full of mischief and ill-convenience, by cherishing Idleness and Debauchedness in a sort of loose and careless persons, who neglecting their Calling, mispend their time in Drunkenness; and having once contracted Debts beyond their Abilities of payment, make Escapes out of the Countrey, to the detriment of the Publick, the loss of their particular Creditors, and often to the Charge of the Parish where they lived: Be it enacted and declared, That the Commissioners of each County-Court be required to take especial care for the Suppressing and Restraint of the exorbitant number of *Ordinaries* and *Tipling-Houses* in their respective Counties: And not to permit in any County more then one or two, and those near the Court-House, and no more unless in Publick Places, as Ports, Ferries, and great Roads where they may be necessary for the Accommodation of Travellers, according as their several Courts shall find the necessity of their Counties require. And further, That the said Commissioners take good Security for those to whom Licences are granted to conform themselves to the Laws. And that all persons keeping Tipling-houses without Licence shall be fined two thousand pounds of *Tobacco*, half to the County, half to the Informer, for each time he offends.

*Not above one or two* Tipling-houses *or Ordinaries to be in each County.*

*Except on Great Roads Ports, &c. as the County Courts shall see necessary.*

*Such as have Licences to keep them, shall give security to the County-Court Commissioners.*

# At a Grand Assembly held at *JAMES CITY*, *the* 20th *Day of* October, Anno 1669.

## I.

### *An* Act *about the Casual Killing of* Slaves.

*Slaves resisting when Corrected if they chance to be killed, their death shall not be accounted Felony.*

WHEREAS the only Law in Force for Punishment of Refractory Persons, Resisting their Masters, Mistresses, or Overseer, cannot be Inflicted on *Negroes*; Nor the Obstinance of many of them, by other than violent means Suppressed: Be it Enacted by this Grand Assembly, and the Authority thereof, That if any Slave resist his Master, or others by his Masters order correcting him, and by the Extremity of the Correction should chance to dye, such death shall not be accounted Fellony; But the Master, or that other Person by his Master appointed to punish him, be acquit from Molestation: Since it cannot be presumed that Prepensive Malice, which alone makes Murther Felony, should induce any Man to destroy his own Estate.

## II.

### *An Act against the Importation of* Horses *and* Mares.

WHereas the last Assembly partly to restrain the numerous increase of Horses, now growing rather Burthensome, then any way advantagious to the Countrey,

partly to encourage Trade, did permit that *Mares* might be exported; this Assembly taking Care that both the ends aforesaid, might be advanced: Have Enacted, And by these presents do Enact, That no *Horses* or *Mares* after the last of *December* next, shall be by any Person or Persons Imported, or brought into this Colony from any other Plantation or Government whatsoever; And that if any other Person or Persons shall contrary to the Intent of this Act, by any wayes or means bring into this Country any *Horse* or *Mare*, after the last of *December* aforesaid; The Sheriff of that County into which they shall be brought, is hereby strictly required and enjoined, to make present Siezure of the said Mares or Horses, for the use of the Publick, and to render an accouut thereof, to the next Assembly; and out of the Value, the moyety thereof to be allowed to the Informers.

*No Horses, or Mares to be Imported upon Penalty of Siezure.*

# III.

## *An Act for Re-examination of Orders in the* County-Courts.

WHereas the Twenty Second Act of Assembly, *March* 23. 1661. Prescribes a way of Re-examination of Orders in the General Court, but no mention made in the County-Courts. It is hereby Enacted, that the Course that Act prescribes for the General Courts, shall be strictly Observed in the County-Courts, and the County-Court omitting according to that Act to re-examine and Sign their Orders, shall be fined for every such Omission One Thousand Pound of *Tobacco*, whereof the Sheriff shall give Account to the next Assembly, who are to dispose the same to the Use of the Publick.

*County-Courts shall re-examine their Orders.*

IV. A

## IV.

## An Act *for the Fee of a* Dedimus Poteſtatem.

WHereas the Act granting Commiſſion of *Dedimus Poteſtatem*, omitting theFee, hath cauſed great extortion in divers Clerks: It is Enacted that a Fee for a *Dedimus* Iſſuing from the GeneralCourt, ſhall be aſcertained at Fifty pounds of Tobacco, and in the County-Court, at Twenty five Pounds of Tobacco each Commiſſion.

*The Fee of a Dedimus Poteſtatem aſertained.*

## V.

## *An Act for freeing* Virginia-Owners *from* Caſtle-Duties.

WHereas the Act for Encouragement of *Virginia*, *Owners* Exempts them from payment of the Two Shillings *Per Hogſhead*. It is hereby Enacted, that they be alſo exempted from paying the *Caſtle Duties* for their greater Encouragement.

*VirginiaOwners exempted from Caſtle Duties.*

## VI.

## *An Act for Encouragement to make* Silk.

WHereas the Advancement for the making of *Silk* will undoubtedly tend greateſt as to the preſent Honour and Reputation, ſo to the future great benefit and profit of the

*Fifty pound of Tobacco allowed by the Publick for every pound of Wound-Silk.*

the Country; It is Enacted, that the former Encouraegment of Fifty Pounds of *Tobacco*, for every pound of wound Silk, be allowed as formerly out of the Publick.

## VII.

### *An Act for each* County *to send two* Burgesses.

*Each County to send two Burgesses.*

WHereas several Inconveniences have arisen by the Act, giving liberty to the Counties to choose one or two *Burgesses* at discretion, as the Retarding the business of the House, when those single *Burgesses* are upon Committees, or have any Suit of their own, or differences between divers Parishes in the Counties; Or have their Appearance hindred by Sickness or otherwayes. In all which occasions, the County that sends, or part of it, are deprived of the priviledge of their Representatives; It is Enacted that each County after this present Session, shall be enjoyned to return two *Burgesses* for the better service of the Publick.

## VIII.

### *An Act for Encouragement to Apprehend Runawayes.* Vide *Act the first*, Anno 1670.

## IX.

### *An Act for destroying* Wolves, *Repealed by Act* 10. 1670.

# t a *Grand Assembly* held at JAMES *CITY*, the Third of *October*, *Anno* 1670.

## I.

## *An* Act *concerning Runaways.*

WHereas the Act made the last Assembly for encouragement to Apprehend Runnawayes, hath emed too Burthensome to the Publick, by the greatness of eSum there granted to the taker of them up. And also dificient in some things very necessary for the restraint of Runwayes. Upon Consideration whereof, It is Enacted & Ordaind by the Governour, Council and Burgesses of this Grand Asmbly, and the Authority thereof, That the former Act of *ober*, 1669. be Continued in its full force; But the Sum f one Thousand Pounds of Tobacco therein granted to the aker of them up, shall be and hereby is reduced to two Hundred Pounds of *Tobacco*, if the Runaway be found above ten Miles from his Masters House. And one hundred Pounds of *Tobacco*, if found above five miles from his Masters house, to be paid by the Publick, in the County where e Party dwells, If it can be for every servant of what quaty soever; And that the servant not being Slave, who are also omprehended in this Act, after the expiration of his full time ue to his Master, shall serve any person *he shall* be assigned to, y the Assembly or any Commissioner from them, the Term of Months for every two hundred pounds of *Tobacco* paid for im, The Assigne giving Commission to the said Commissioers to repay the *Tobacco* to the Publick. And the Commissioers receiving such Commission to return it to the County-Court, and the County-Court to the Assembly; And that the id Runaway may be the more easily detected, It is further

*Rewards for the Apprehending of Runawayes limited.*

*How Masters are to deal with Runawayes.*

*The Duty of Counstables in Conveying Runawayes to their Masters.*

nacted that every Master having a Servant that hath Runa way twice, shall be, and hereby is Enjoyned and Command ed to keep his Hair close cut. And that every Master failin herein, shall be fined One Hundred Pounds of *Tobacco*, f every time the said Fugitive shall after the second time b taken up, half to the Publick, half to the Informer. An for the better preventing such attempts, It is further Enac ed. That every Constable into whose hands the said Fu gitive shall by any Commissioners Warrant ' e first Com mitted, shall be, and hereby is enjoyned by vertue of th Act, though omitted in the Warrant, to whip him severely and then to Convey him to the next Constable towards h Masters House, who is to give him the like Correction, an so every Constable, through whose Precincts he passeth, t do the like. And that Constables may be the more Caref in their Offices; It is further Enacted, That every Consta ble into whose Custody the Runaway shall be Committe shall give a Receipt to the Constable or Party he receiv them from, to the end, that if the said Fugitive should b negligence of any Constable make an escape, such negli gence might be discovered; and for the Offence, p Four Hundred Pounds of *Tobacco*, half to the Publick, ha to the Informer, and the Fine in the former Act One Thousand Pounds of *Tobacco* to be Repealed. And b cause such Runawayes, after the expiration of their tim may by vertue of their Masters Certificate Remove from t place they dwell, in and by such Concealment defraud t Publick of what hath been disbursed for him, It is fu ther Enacted, That every Respective Master Owner of su Servants indebted to the Publick, shall immediately after t time of such Servant is expired, deliver him to the next J stice, who is to deliver him to the next Sheriff to be secur till the next County-Court, there to be Proceeded with, the Law directs, unless such Servant can procure sufficie Security to pay the Penalty laid on him by the Act; An that every Master giving Certificate before such Delivery such Servant to the Justice, shall Repay the Publick wh soever hath been disburst for the Recovery of his Servan during the time he served him.

## II.

## An Act *Concerning Fences.*

WHereas the *Act for Fences* doth not sufficiently provide for Remedy of those many dammages done by Unruly Horses, breaking into Corn-fields, it is by the Authority of this Grand Assembly Enacted, That the Owner of such Horses shall be, and hereby is required and enjoyned to take some effectual course for Restraining them, from Trespassing their Neighbours, from the Twentieth of *July*, to the last of *October* in every year; it being much fitter that Rich-men, who have the benefit of such Horses, should provide for their restraint, then the Poor enjoyned to the impossibility of very high Fences; and if any Horse, or Horses shall at any time break into any Corn-Field, the Fence being four foot and a half high, then the Owner of such Horse, or Horses, upon proof of the dammage, shall pay for the First Trespass, single dammages, and for every Trespass afterwards double dammages to the Party Grieved: And because question hath been made about the sufficiency of Fences, according to the former Act, enjoyning them to be close to the bottom, It is hereby Enacted, that being so close as nothing mentioned in the former Act, can creep through, is onely by that Act intended.

*Fences of Corn-fields to be four foot and a half high.*

*Dammages for Trespass.*

## III.

## An Act *for the Election of Burgesses, and by whom.*

WHereas many endeavours have been used for the publick good in the Election of Burgesses, and whereas the usual way of choosing, is by the Votes of all Persons,

Perſons, who having ſerved their time, are Freemen of the Country, who having little intereſt in the Country, do oftner make Tumults at the Election, to the great diſturbance of His Majeſties Peace, then by their diſcretion in their Votes, provide for the conſervation thereof, by making choice of Perſons fitly qualified, for the diſcharge of ſo great a Truſt, and whereas the Laws of *England* grant a Voice in ſuch Elections, only to ſuch as by their Eſtates real or perſonal have intereſt enough to tye them to an endeavour of the publick good; It is hereby Enacted, That none but Freeholders and Houſe-keepers, who only are anſwerable to the publick for the *Levies*, ſhall hereafter have a Voice in the Election of any Burgeſs in this Country, and that the Election be at the Court-houſe.

*Now but Freeholders and Houſe-keepers, ſhall have a voice in Elections of Burgeſſes.*

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## IV.

## An Act *for Liſts of Tytheables to be Publiſhed.*

WHereas many endeavours have been uſed for prevention of Frauds in taking the Liſts of Tytheables, It is hereby Enacted, for the ſurer diſcovery thereof, that at the next Court after the tenth of *June* in every County, the names and numbers of Tytheables in every Liſt taken by the Reſpective Juſtices in their Reſpective Precincts limited them, be taken by the Clerk of the County-Court, and by him written, and ſet up at the Court Door, all that Court-day, to the end that if any concealment have been made, the perſons living near them may diſcover them to the Court, and ſuch Penalties be inflicted on them as by the former Law is enjoyned

*Liſts of Tytheables ſhall be ſet up at the Court-Door.*

## V.

## An Act declaring no Indians nor Negroes to buy Christian-Servants.

WHereas it hath been questioned, whether *Indians* or *Negroes* manumitted, or otherwise free, could be capable of purchasing Christian Servants; It is Enacted, that no *Negro* nor *Indian* though baptized, and enjoying their own Freedom, shall be capable of any such purchase of Christians; but yet not debarred from buying any of of their own Nation.

*Indians and Negroes may buy their own Natives, but not Christians.*

## VI.

## An Act shewing how Certificates for Marriages shall Issue.

WHereas Complaint hath been made, that divers Persons to the defeating the Law, and Defrauding Parents and Guardians of that natural right, and just Priviledge, in disposing of their Children and Orphans in Marriage, have clandestinely procured the Clerk of other Counties, then that the Parents live in, to give them Certificates, for Licences, and so the Parents by the inequality of the match dishonoured, and the Child ruinated in her Fortunes; It is Enacted, that the Act for Licences to Issue one Certificate from the Clerk of the County-court, be declared to extend to no other Clerk; but of that County where the Maid, her Parents or Guardian dwells, and that the Clerk of that County shall not grant any such Certificates without the personal consent of the Parent or Guardian; and that in every Certificate the Clerk shall expresly averr the same, and every Clerk that shall grant them otherwise then afore, expressed to forfeit his place.

*Certificates for marriage not to be granted without the Consent of the Parent or Guardian.*

# VII.

## An Act *concerning Litigious Suits.*

VV Hereas Divers Litigious Suites are conceive meerly out of envy and Malice, to the rui of divers poor men, by forcing them to a neglect of the domestick affairs, and unnecessary expences, during the attendance at General Courts: It is hereby Enacted, tha in all cases where the Molestation shall be found to be unjus the party so molesting without cause, may be inforced t pay to the party grieved for every day, he may be reasonabl in going to *James City*, and returning home thirty pound o *Tobacco per* day, and for every day of his Attendance to an swer sixty pound of *Tobacco per* day, besides his Ordinar Non-Suit allowed by a former act, and costs of Court.

*What Damages are allowed in Case of Litigious Suites.*

# VIII.

## An Act *concerning Commissioners Warrants.*

VV Hereas it hath been doubted whether the Warran of any Commissioners be in force, to constrai a Constable of another County to prosecute, by Hue and Cry; or to apprehend or convey Runaways to the nex Constable: It is hereby Enacted and Declared, that the said Warrant directed first to a Constable within his own Pre cincts, and so from Constable to Constable for avoiding de lays in such necessary Pursuits, obliege every Constable to whom it shall come to the observance and performance o the Contents, of this Precept.

*Constables are to obey Comissioners Warrants.*

IX. An

## IX.

### *An Act of Penalty for not returning two Burgesses.*

Revised

WHereas the Act for Electing two Burgesses for each County for want of a Fine, hath not had the due observance it ought; It is Enacted, that every County not sending two Burgesses to every Session of Assembly, shall be fined ten Thousand pounds of *Tobacco*, to the Use of the Publick. *Penalty on Countys for not sending two Burgesses.*

## X.

### An Act *Repealing the* Act *about* Wolves.

WHereas the Act for Encouragement of *Indians* to kill Wolves, and paying the Tribute, Beaver in Wolves-heads, hath not produced such Effects as was hoped and desired, It is therefore Enacted, that the Act concerning the destruction of Wolves, and paying the encouragement by the Publick be Repealed, and the former Act to remain in force.

## XI.

### An Act *for the better payment of Two Shillings Per Hogs-Head,* vide Act 3. Anno 1680.

XII. An

## XII.

### An Act *concerning who ſhall be Slaves.*

*All Servants imported not being Christians ſhal be Slaves during Life.*

*But thoſe that come by Land for a time limited.*

WHereas ſome diſputes have ariſen whether *Indians* taken in War by any other Nation, and by that Nation that takes them ſold to the *Engliſh*, are Servants for Life, or Tearm of Years; It is Reſolved and Enacted, that all Servants not being Chriſtians, imported into this Countrey by Shipping, ſhall be Slaves for their life time, but what ſhall come by Land ſhall ſerve if Boys and Girls, until thirty years of Age, if Men and women, twlve years and no longer.

## At a *Grand Aſſembly* held at JAMES CITY, the Twentieth of *September*, *Anno* 1671.

## I.

### An Act *Prohibiting Millers the taking of more then one eight part of* Engliſh Grain *Toll, for Grinding thereof.*

WHereas divers Complaints have been Exhibited againſt the greatneſs of Toll paid to Millers, for Grinding of Corn, for the Regulating whereof for the future,

ure, Be it Enacted and Ordained, by the Governour, Council and Burgesses of this Grand Assembly, and the Authority thereof; And it is hereby Enacted and Ordained, That no Miller shall take for grinding of *English Grain*, more than one eighth part, and for grinding of *Indian* Corn, more than one sixth part, as formerly; and that every Miller exceeding herein shall undergo such Fine and Penalty as is imposed by a former Act made at *James City*, the 23d. of October, 1666.

*Millers shall take but one eighth part for Grinding* English Corn, *and one sixth for* Indian.

## II.

## An Act *permitting the Exportation of Wool Hides, and Iron.* Vide Act 12. Anno 1680.

## III.

## An *Act for moderating the Rates of Liquors.* Vide *Act* 10. *Anno* 167$^{6}_{7}$

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## IV.

## An Act *providing how* Negroes *belonging to* Orphans *of Intestates shall be disposed of.*

WHereas in the former Act concerning the Estates of Persons dying Intestate, It is Provided, That Sheep, Horses, and Cattle, should be delivered in kind to the Orphans, when they come of Age according to the several *Ages* the said Cattle, were of when the *Guardian* took them into his possession, to which some have desired that *Negroes* might be added, this *Assembly* considering the difficulty of procuring *Negroes* in kind, as also the Vallue and Hazard of their Lives, have doubted whether any sufficient men would be

 found,

1671



found, who would engage themselves to deliver *Negroes* of equal ages, if the specifical *Negroes* should dye, or become by age or accident inserviceable; be it therefore Enacted and Ordained by this *Grand Assembly*, and the *Authority* thereof, That the consideration of this be referred to the County Courts, who are hereby Authorized, and impowered either to cause such *Negroes* to be duly apprized, sold at an Out-cry, or preserved in kind, as they shall find it most expedient for the preservation, Improvement, or advancement, of the Estate and Interest of such Orphans.

*The Disposal of* Negroes *belonging to Orphans, referred to the County-Courts*

## V.

Obsolete

## *An Act Repealing the* Act *making it death for* Indians *coming into* Henrico-County.

WHereas the Burgesses for the County of *Henrico* have shewed several inconveniencies and hazards, that may happen, by the liberty granted to the *English*, to kill any *Indian* coming within the bounds of that County, which this Assembly taking into consideration, have Enacted, and it is hereby Enacted and Ordained by the Authority thereof, that the said Act be Repealed; and the *Indians* permitted to come into the said County as well as others, about their lawful occasions, Provided they be no where entertained but by Licence legally obtained from the Right Honourable the Governour, as in other places.

*Indians permitted to come into* Henrico-County.

## *VI.*

Revised

## An *Act concerning Sheriffs Fees for Arrests.*

WHereas Complaints have been made that some Sheriffs extorted greater Fees for *Arrests* then were allowed by Law, viz. Twenty Pounds of *Tobacco* for commitment

mitment and Releasment, whether the person were Imprisoned or not, It is Enacted and Declared by this *Grand Assembly*, That the just Fee for an *Arrest* is Ten Pounds of *Tobacco*, for the Bond Five Pounds of *Tobacco*, and not any thing for Commitment, or Releasment, unless the Person were actually put in Prison.

*The Fee due to the Sheriff for an Arrest.*

## VII.

## An Act *for Naturalization*, Vide Act II. *Anno* 1680.

## At *a Grand Assembly* held at JAMES *CITY*, the Four and Twentieth of *September*, *Anno* 1672.

## I.

## An Act *for the defence of the Country.*

WHereas for the necessary Defence of this Country, and Security of the Ships and Vessels trading thereto; It hath been Enacted, that sundry Forts should be built in convenient places, upon the Rivers, which accordingly have been effected, but forasmuch as the Materials wherewith the said Forts were built were not sufficient nor lasting, some have sufferred utter Demolishment, some very ruinous, and some with some small charge are capable of Reparation; This Grand Assembly taking the same into their serious consideration, and desirous as much as in them lyes, to provide for the safety of this his Majesties Country, so far forth as the present Capacity thereof will admit; Hath thought fit to enact, and it is hereby Enacted

*Forts ruinated and demolished shall be built anew, or repaired with Brick.*

Enacted and ordained, by the Governour, Councel and Burgesses of this Grand Assembly, and the Authority thereof, that the Forts on all the Rivers be built substantially with Brick in all such places, where the Demolishment, or ruine of the former forts shall require to be built anew, and that those Forts that are capable of being repaired, shall also be done with Brick, in all such places where the demolishment or Ruine of the former Forts shall require; and that the Commissioners of the Respective Associations do take care that this Act be put into speedy and Effectual Execution, and whereas the Moneys rising from the Fort-Duties, have been design'd to remain in Stock for the use of the Respective Forts, which at present is not sufficient to defray this charge of building and repairing; Be it further enacted by the Authority aforesaid, that it shall and may be Lawful for the Comissioners of each Association, and they are hereby fully authorized and Impowered to Asses, and Levy so much *Tobaccoes* in their Respective Counties, as shall be wanting and needful for the building and repairing of their Respective Forts as aforesaid, and whereas the Act of 1667 hath provided for the Mannagement and Command of the Forts; It is hereby further enacted by the Authority aforesaid, that this additional be thereunto made; *viz.* That upon all Alarms or sudden Invasions, or Occasions in the absence of the Major Generals, the next Colonel or adjacent Commander to any Fort, shall draw down of his Regiment his or their Company or Companies sufficient for the defence thereof, till further order of the Superiour Officers; And forasmuch as against all times of danger, it ought to be the care of all men to provide that their Arms and Habiliments of war be always kept fixt and fit for Service, and that Armourers and Smiths may be encouraged to work; It is also enacted by the Authority aforesaid, that the Commissioners of the Respective *Associations*, shall and do *Ascertain* the Rates for the work of Armourers and Smiths and such Artificers. And for the prevention of the great trouble that usually accrues to Artificers in Collecting several small Parcels in payment for work done, that the said *Artificers* shall take from under the hands of those for whom they work, and return the same to the Commissioners aforesaid, which accounts by them shall also be returned, Rated into their Respective Countie Courts, when the Levy is laid, the *Artificers* to be paid intire by the Counties, and the Counties Reimbursed by the Person for whom the work was done, and

*How Levies are to be made for effecting it.*

*The Rates of Smiths, Armourers, &c. to be ascertained.*

*The said Artificers to be paid by the Counties, and the Counties to be Reimbursed.*

And that the said Artificers may not delay people which repair to them with their Arms, be strictly enjoyned under Fine to be imposed by the said Commissioners, to lay aside all other works to go about this of Arms. And whereas it hath been a frequent and evil practice of many men upon sight of Ships or Vessels newly arriving, to go on Board, not knowing whether they be Friends or enemies, *by* means whereof opportunity hath been given and taken by the Enemies, to obtain intelligence to the great prejudice of the Country, for prevention whereof for the future; Be it Enacted by the Authority aforesaid, That it shall not be lawful for any Cannooe-Boat or Sloop to go on Board any Ship or Vessel, that shall arrive into any part of *Virginia*, before the said Ship or Vessel send on shoar, and thereby are known what they are. And if any shall offend in this kind, each Cannooe or Boat shall be amerced 400. Pounds of *Tobacco*, and *Cask*, and *Sloope* One Thousand Pounds of *Tobacco*. and *Cask* to be recovered by Action of Law, One Moytie to the use of the County, where the Offence shall be Committed, and the other Moytie to the Informer; But if Servants onely have the Rule of the Cannooe-Boat or Sloop, they to receive corporal punishment of Forty Lashes, but redeemeable by the Fine aforesaid, provided alwayes that this Clause of the present Act for preventing intelligence to the Enemy, do and shall continue in Force during times of War and no longer.

*No Boat to go on Board a Ship newly arrived, before the said Vessel send on shoar.*

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## II.

### An *Additional Act concerning Orphans Estates.*

WHereas the sixty sixth Act of the Grand Assembly, Holden at *James City* the 23d. of *March*, 1661. hath laid down several Rules unto the County-Courts, for the management and securing the Estates of Orphans.

Now for as much as it hath been manifested to this Assem- bly, that some Courts have endeavoured to dispose of som Estate of Orphans according to the Act have not found an persons willing to take and secure them in manner and form as that Law requires. This Grand Assembly taking th same into their Consideration, and desiring that such a expedient might be provided, That in such Cases neithe the Courts nor the Orphans may be prejudiced, hav thought fit that an Additional *Act* be made thereto. B it therefore Enacted, By the Governour, Council an Burgesses of this Grand Assembly, and the Authorit thereof; That it shall, and may be lawful for the Coun ty-Courts, to dispose of Orphans Estates according t the best of their judgment and advantage of the Or phans. In such Cases where the said Courts cann find persons, will take Orphans Estates according to th afore Recited *Act*.

*County-Courts Authorized to dispose of Orphans Estates.*

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## III.

## An Act *concerning Tytheables born in* th Country.

FOr the better discovery of what persons born in thi Country, are and ought to be accounted Tythea bles, and the ages of the younger sort the better known Be it Enacted by the Governour, Council and Burges ses of this Grand Assembly, and by the *Authority* there of; That all persons who are appointed by the County Courts, to take the Lists of Tytheables each Count shall take an account of all *Negroe Mulatto*, and *India* Children within their several Precincts. *And* the Ma sters

*persons appointed by the County-Courts shall take Lists of Tytheables.*

[Ma]sters or Owners of such Children, are to make appear [u]pon Oath or Evidence the ages of them. *And* that [a]ll *Negroe* and *Mulatto* Children and Slaves that shall [b]e born in this Countrie, shall by their Respective Masters or Owners within Twelve Moneths after their [B]irths, be Registred in the Parish Register with their [e]xact *Ages*. *And* in default thereof, the said Master or [O]wner shall pay Leavie for them for that year, and so [y]early till such Register be made. *And* it is further Enacted by the *Authority* aforesaid, That all *Negro* Women born in this Countrie, shall be accounted Titheables [a]t sixteen years of age.

*The Births of Negro and Muletto Children and Slaves born in Virginia shall be Registred*

## IV.

## An Act *limiting how long accounts shall be Pleadable.*

FOr the prevention and avoiding of many Suits and Controversies, it hath seemed Convenient to this [G]rand *Assembly*, to limit a time beyond which accounts [m]ay not be pleadable, for as much also as there is a [L]aw, which admits no Bills pleadable after five years; [B]e it therefore Enacted and Ordained, and it is hereby [E]nacted and Ordained by the Governour, Council and [B]urgesses of this Grand *Assembly*, and by the *Authority* [t]hereof, that accounts shall not be pleadable after three [y]ears by any person living in this Countrie. *And* not after [f]ive years by any person, that shall lay claim by accounts [o]ut of this Country this *Act* not relating any thing to the *Act* concerning accounts against dead mens Estates.

*Accounts shall not be pleadable after three years by persons living in this Country*

V. An

## V.

### *An Act concerning Servants Sold for the custom.*

WHereas it hath been the Practice of divers Servants, who have been sold for the custom of the Country after the departure of the Ship wherein they arrive; And Persons who sold them to produce or pretend Indentures for shorter time: Whereupon disputes have frequently arisen between the said Servants and their Masters for Prevention whereof for the future: be it Enacted, by the Governour Council and Burgesses of this Grand Assembly, and the Authority thereof; that every Servant who comes Inpresumable without Indenture, and so sold for the Custom, shall by his Master be brought before some Justice of the Peace, to declare whether he hath any Indenture, and *Indentures to be produced.* if the Servant shall alledge he hath, but cannot as then produce it, the said Justice shall in the Case Assign him one Months time, within which if the said Servant fail to produce it, he shall be barred from his Claim; by reason of any pretended Indenture whatsoever.

## VI.

### *An* Act *concerning Masters of Ships and Collectors, Vide* Act the third, *Anno* 1680.

## VII.

### *An Act for Suppressing of Vagabonds and disposing of poor children to Trades.*

WHereas some wholesome Laws and Statutes have by the Wisdom of several Parliaments of *England* een made and are in force; as well for the Suppression f Vagrant and Idle Persons as setting the poor on work, The neglect of which Laws amongst us hath encouraged nd much encreased the number of Vagabonds, idle and deolute Persons; Be it Enacted, and it is hereby Enacted nd ordained, by the Governour Council and Burgesses of his Grand Assembly and the Authority thereof, that the ustices of peace in every County do put the Laws of *Enland* against Vagrant Idle and desolate Persons, into strict Execution; And that the Respective County-Courts shall nd hereby are authorized and Impowered to place out all Children, whose Parents are not able to bring them up Apprentices to Trades; The Males till one and twenty years of Age, and the Females to other necessary Imploynents until eighteen years of Age and no longer, and the Church wardens of every Parish shall be strictly enjoyned y the Courts to give an account annually at their Orphans Courts, of all such children, within their Parish as they udge to be within the said Capacity.

*The Laws of* England *shall be put in Execution aginst Idle and vagrant Persons.*

*Poor Children to be provided for.*

## *VIII.*

### *An Act for the apprehension and Suppression of Runaway Negroes and Slaves.*

FOrasmuch as it hath been manifested to this Grand Assembly, that many Negroes have been and still are out n Rebellion in sundry parts of this Country, and that no

meanes have been found for the Apprehension and Suppression of them; from whence many mischiefs of very dangerous consequence may arise to the Country if either other *Negroes Indians* or Servants should happen to fly forth, and joyn with them, for the Prevention whereof; Be it Enacted by the Governour Council and Burgesses of this Grand Assembly, and the Authority thereof, that if any *Negroe Mulatto, Indian* Slave or Servant, for life runaway, and shall be persued by Hue and Cry: It shall and may be Lawful for any Person who shall endeavour to take them upon the Resistance of such *Negroe Mulatto, Indian* Slave or Servant for life, to kill or wound him or them so Resisting, Provided alwayes, and it is the true intent and meaning thereof: That such *Negroe Mulatto, Indian* Slave or Servant for life be named and described in the Hue and cry, which is also to be signed by the Master or owner of the said Runaway: And if it happen that such *Negroe Mulatto, Indian* Slave, or Servant for life, do dye of any wound in such their Resistance obtained: The Master or owner of such, shall receive Satisfaction from the Publick, for his *Negroe Mulatto, Indian* Slave, or Servant for life, so killed or dying of such wounds, and the Persons who shall kill or wound by vertue of any such Hue and cry, any such so resisting in manner as aforesaid shall not be questioned for the same, he forthwith giving notice thereof, and returning the Hue and cry, or warrant to the Master or owner of him or them so killed or wounded, or to the next Justice of the Peace: And it is further Enacted by the Authority aforesaid, that all such Negroes and Slaves shall be vallued at four thousand five hundred Pounds of *Tobacco* and cask a piece, and *Indians* at three thousand pounds of *Tobacco* and cask, and further if it shall happen that any *Negroe Mulatto, Indian* Slave, or Servant for Life in such their Resistance, to receive any wound whereof they may not happen to dye; but shall lye any considerable time sick or disabled; Then also the Master or owner of the same so sick or disabled, shall receive from the publick a Reasonable Satisfaction for such damages as they shall make appear they have sustained thereby at the County-court. VVho shall thereupon grant the Master or owner a *Certificate* to the next Assembly of what damages they shall make appear. And it is further Enacted, that the Neighbour *Indians* do, and they are hereby required and enjoyned to sieze all Runaways whatsoever that shall happen to come amongst them, and to bring them before

*Runaway Negooes and Slaves shall be persued by Hue and Cry.*

*Runaway Negroes Mulatto Indians Slaves or Servants for life resisting may be killed.*

*The Master shall receive Satisfaction from the Publick.*

*At what rates such Negroes and Slaves shall be vallued.*

*The Neighbour Indians required to sieze Runaways and bring them before some Justice of the Peace.*

ore some Justice of the Peace, who upon the Receipt of uch servant or servants, slave or slaves from the *Indians* shall ay unto the said *Indian* or *Indians* for a Recompence for ach twenty Armes length of *Rhoanoke* or the value thereof, as he *Indian* shall like of, for which the said Justice of the Peace shall receive from the publick two hundred and fifty ounds of *Tobacco*, and the said Justice is to proceed in onveying the runaway to his Master according to the Law, n such cases already provided this act to continue in force ntil the next assembly, and no longer unless then it be hought fit to continue it.

*The Recompence allowed for so doing.*

*How long this Act shall continue in Force*

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# IX.

## An *Act concerning Swamps and Marshes*.

WHereas several Inconveniencies may arise to many of the Inhabitants of this Countrey, who have Lands adjoining to Swamps Marshes and sunken Lands unpattented, If any others who are disjoyned from the same may be admitted presently to take up and Patent them. This Grand Assembly taking the same into their Consideration, and being willing that mens very Conveniencies be preserved unto them, from which in this case they need not depart but by their own default have Enacted and ordained, and it is by the Governour Council and Burgesses of this Grand Assembly and the Authority thereof, enacted and ordained; That it shall not be lawful for any Person whatsoever to take up any Marshes swamps or sunken Lands adjoining to any mans Land, but shall first give notice to the Owner or owners of the Land to which it adjoineth, who shall have one years time to resolve whether he or they will take up the same or no, and in Case at the Expiration of that term the owner or owners of the Land adjoining to the said

*who may take up Swamps, Marshes or sunken Lands.*

1672



*The method to be followed in that case.*

said Land *Marsh or Swain* shall then refuse to survey and Patent the same. It shall then be lawful for the first person who gave notice as aforesaid to survey and Patent the same acording to Law.

# X.

## An Act *declaring mens Notes how far pleadable against their Estates if dead.*

*Notes pleadable after Decease of the Party.*

*A proviso in that Case.*

WHereas it hath been Controverted whether Notes, charged on persons by a Man in his life time are pleadable after his decease for Determination whereof, the Governour, Council and Burgesses of this Grand Assembly, have Enacted and Ordained, and by the *Authority* aforesaid, It is Enacted and Ordained, That all such Notes shall be pleadable if by Comparing of hands or otherwise it shall appear to have been the *Act* of the Decedent, and the person who claimeth make Oath of the Justice thereof; *And* that he hath not received satisfaction for the same or any part thereof. Provided alwayes it be sued for within Twelve Months after the Parties decease, and within three years at most after the Date of this *Act*.

# At a Grand Assembly held at *JAMES CITY*, *the* 20th *Day of* October, Anno 1673

I. An

# I.

## An Act *for the Establishing the* Dowers *of* Widdows.

WHereas many Doubts have arisen concerning the Estates of persons dying intestate, and of what part thereof ought to appertain to the Widdow, for the Clearing whereof, Be it Enacted by the Governour, Council and Burgesses of this Grand Assembly, and the Authority thereof, that where persons dye intestate, the Widdow shall be endowed with the third part of the real Estate to be equally divided as to Housing Fenced Grounds, Orchards, Woods and other valuable Conveniences during her natural life. And the third part of the Estate personal, if there be but one or two Children; But if there be any number of Children more how many soever in that Case, the personal Estate to be divided amongst the widdow and all her Children, share and share alike. And in Case the Husband make Will, that he hath it in his power to devise more to his wife than is above determined, but not less.

*Intestate Estates.*

*Widdows shall be endowed with the third part of Estate Real.*

*The provision for Children in such Cases.*

# II.

## An Act *providing for the supply of Arms and* Ammunition.

FOr the better supply of the Countrey with Arms and Ammunition, Be it Enacted by the Governour, Council and Burgesses of this Grand Assembly, and the Authority there-

*Captains of Foot and Horſe to take an account of what Arms and Ammunition are wanting.*

thereof, that the Captains of Foot and Horſe in each Coun-tie do take a ſtrict and particular account of what Arms and Ammunition are wanting in their ſeveral Companies and Troops, and repreſent the ſame to their Reſpective Col-lonels at the next Countie-Court, after *January* next; But if there be not any Collonel of Horſe within their Countie, then the Captain of Horſe to repreſent the ſaid wants imme-diately to the Countie-Courts, unto which Courts at the next Seſſions following, the Collonels aforeſaid are by this *Act* en-joyned to return and repreſent the wants of the *Militia* in their ſaid Counties, as they ſhall receive the ſame from their ſubordinate Officers aforeſaid, and if any Captain of a Foot Company or Horſe, or Collonel of any Regiment ſhall fail, to perform his or their duty herein, ſhall be fined namely e-very Captain One Thouſand Pounds of *Tobacco*; And Collonel Two Thouſand Pounds of *Tobacco*; And be it further Enacted by the *Authority* aforeſaid, That the parti-cular Countie-Courts be impowered upon their Reſpective Counties, to raiſe and lay a Leavy for the providing of *Arms* and *Ammunition* for ſupplying the wants aforeſaid, That is to ſay, Muskets and Swords for the Foot, and Piſtols, Swords & Carabines for Horſe; And alſo for every Liſted Souldier at the leaſt Two Pounds of Powder, and ſix pounds of Shot. The ſaid *Arms* and *Ammunition* by the Courts, provided, as aforeſaid to remain in the hands of the Officers of the *Mi-litia*, for them to diſtribute the ſame as there ſhall be occa-ſion, and that thoſe to whom diſtribution of *Arms and Am-munition* ſhall be made do pay for the ſame at a Reaſonable Rate, to be Collected by the Sheriff or Collector as in Caſe of Levies and publick dues to the uſe, and towards the Reim-burſement of the Counties. And if any Court or Courts ſhall fail in their duties to provide within one year after ſuch pre-ſentment made by the Officers of the *Militia* aforeſaid of their wants aforeſaid for the full ſupplying thereof in manner afore-ſaid, they ſhall be fined ten Thouſand Pounds of *Tobacco* to be paid as alſo the other Fines impoſed by this *Act* to the uſe of the Re-ſpective Counties, and that the Burgeſſes of the ſeveral Coun-ties be required, and are hereby enjoyned to give an account unto the *Aſſembly* how this *Act* is put into Execution.

*an Acconut thereof ſhall be given to the County-Courts.*

*Officers neglecting their duty therein to be Fined.*

*Levies to be raiſed by County-Courts for providing of Ammunition in their Reſpective Counties.*

*What Ammunition ſhall be provided.*

III. An

1673

## III.

## An Act for the better putting into execution the Act for Processions.

WHereas it hath been Represented to this Assembly that the Act for Processions hath been hindred to be put in Execution for that the ascertaining the Bounds of Orphans Land is not thereby provided for, Be it therefore Enacted by the Governour, Council and Burgesses of this Grand Assembly, and the Authority of the same, that the Lands of the Orphans be also Comprized in that Act that is to say, when difference shall happen to arise concerning the Bounds of Orphans Lands, and that the said differences cannot otherwise be determined, nor the bounds of the adjacent Lands discovered, that then such Orphans Lands be layed forth by two honest able Surveyers in presence of the Neighbourhood, and two such men as shall be appointed by the *Countie-Courts*, on the behalf of the Orphan and the charge thereby accruing, sustained in manner following, *viz.* The Orphan to pay one half of the Survey of his own Land, and the Owner or Owners of the Land adjacent whose bounds are thereby also ascertained the other half and the whole charge of surveying his or their Lands.

*Processions shall be continued.*

*The Bounds of Orphans Lands, to be layed forth and by whom.*

IV. An

# IV.

Obsolete

## An Act *for the Advancement of the Manufact-ory of Flax and Hemp.*

FOrasmuch as it much conduceth to the well being of any Country that the necessities thereof be supplyed from their own Industry within themselves; And that the less they have occasion for from abroad the less will be depending on forreign supplies, whereof the Calamity of War and other Accidents may prevent them. And whereas this Assembly having taken into their Consideration the low and contemptable price, we are allowed for our *Tobaccoes* occasioned chiefly by the great quantities yearly made, have thought fit if it may be to abate that quantity by advancing the more useful and necessary Manufactory of Flax and Hemp; And in order thereunto have Enacted and Ordained, And it is by the Governour Council and Burgesses of this Grand Assembly, and by the authority of the same, Enacted and Ordained; That the Respective County-courts within this colony do at the cost and charge of their Counties at or before the twentieth day of *October*, which shall be in the year 1675. procure one quart of Flax seed, and one quart of Hemp seed for every tythable Person within their Counties and the same cause to be distributed among the Inhabitants, and that the courts failing to procure the said Flax seed or Hemp seed, and thereof to make Distribution in manner as aforesaid; be fined five thousand pounds of *Tobacco*: And be it further Enacted by the Authority aforesaid, that every tythable within this Country the next year after the Distribution do make or cause to be made one pound of drest Flax, and one pound of drest Hemp, or two pounds of either, and so yearly and every year under the Penalty of sixty pounds of *Tobacco*, for every pound of Flax or Hemp neglected to be made as aforesaid, The same to be made by such Master owner

*Provision made for the Manufacture of Flax and Hemp.*

*One quart of Flaxseed and the like quantity of Hempseed shall be distributed to every tythable Person in each County.*

*One Pound of Dressed Flax or Hemp to be yearly delivered, for every quart of seed*

wner or overseer of any Family or Company of Servants, any other tythable that shall be found defficient in the emisses, and for the better discovery of such neglect and fficiency, that all Masters owners or overseers who have e charge of Families, Companies of Servants and other thables at the time of laying the Levies in their Counties, produce unto those Persons who are appointed to take e lists of tythables in each county the said quantity of Flax Hemp, or either of them by this act enjoyned to be made, d the same deliver'd upon oath that it is of his or their vn growth.

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## V.

### An Act concerning Tradesmen and other Artificers to pay Levies.

FOr Explication of the Laws which have seemed to Exempt Artificers, *&c.* from paying Levies: Be it Enacted by the Governour Council and Burgesses of this Grand ssembly, and by the Authority thereof, that no Tradesmen erchants, nor any Artificers whatever above the age of xteen years be exempted for the future from payment of evies, any Act Custom, or usuage to the contrary notwithstanding.

*All Merchants Tradesmen & Artificers, above the age of 16 shall pay Levies.*

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## At a *Grand Assembly* held at JAMES *CITY*, the Twenty *first* of *September*, *Anno* 1674.

# I.

Obsolete

## An Act for an Address and Supplication to be made to the Kings most excellent Majesty.

*An Act for an Address and Supplication to his Majesty.*

WHereas this Grand Assembly are deeply sensible of the many and grievous Pressures that are dayly growing, and still likely to grow, and be imposed upon the Inhabitants of this his Majesties Colony of *Virginia* by certain Lords Pattentees who under Colour and pretence of promoting the good of the Colony, and augmenting his Majesties Revenues, have obtained certain Letters, Pattents, and grants derogating and in prejudice of many Royal Concessions and grants from time to time, granted by his Majesty and his royal Progenitors, in favour to this Colony all which may be justly feared, the said Lords by their Deputies and Ministers will endeavour to make void, and of none effect by imposing new rents and Services altering the form of our Tennors, compelling us to new Surveys and new Patents, imposing fines and Compositions on Surplusage Lands and Lapses at their will and pleasure by Nominating of Sheriffs, Escheators Surveyors, and other Officers and in effect devesting the Government of those just Powers and Authority by which this Colony hath hitherto been kept in Peace and Tranquillity, and all mens rights and Properties preserved unto them, and whereas the said Grand Assembly on great Deliberation have considered by what convenient ways and means those Agrievances might be removed, how our Liberties Priviledges, immunities, rights and Properties might be had, made and established to us and our Posterity, have thought fit that an humble Address and Supplication be made to his Sacred Majesty by this Grand Assembly in the name of this his Majesties most Loyal Colony; setting forth as well by what Legal Grants and Concessions his Majesty and his Royal Progenitors have from

from time to time been graciously pleased to indulge this Colony the grievous Pressures likely to grow on us, by reason of the late Grants to the Lords; That his Majesty would graciously please to Revoke the said Grants to the Lords, and for securing us from our fears in time to come, of being removed from his Majesties immediate Protection, To confirm our Liberties, Priviledges, Immunities, rights and Properties as aforesaid by his Majesties Royal Charter, & that certain Gentlemen in whose honour integrity & Care for promoting the good of this Country; this Grand *Assembly* have a just Confidence, be desired to Address themselves to his Majesty in the name of the Grand Assembly and Negotiate in *England* all other publick affairs of this Country, and because it is manifest that a work of this Nature is not to be undertook nor effectually prosecuted without money, and that we be not imprudently wanting to our selves, in a matter of so great Importance this Grand Assembly have thought fit that a sum of Money be raised of and from the Inhabitants of this Country, to be used and Imployed towards the Accomplishment of the ends and Purposes aforesaid; Be it therefore Enacted by the Governour Council and Burgesses of this Grand Assembly, and the Authority thereof, that fifty pounds of *Tobacco* besides Cask and Sallary be Levyed from every tythable person within this Colony this present year, and fifty pounds of *Tobacco* besides cask and Sallary the next year, and that this be disposed to several Undertakers at the rate of Eight Shillings *per Cent.* for producing Money as aforesaid, and Accomplishing the ends and Purposes aforesaid, in manner and Form following, *viz.* The Fifty pounds of *Tobacco* to be Levyed this present year in the Counties of *York*, *New-Kent*, *Glocester* and *Middlesex*, be paid to the several Undertakers of those Counties, at eight Shillings *per Cent*, by the Sheriff or Collectors of those Respective Counties; They paying double the money this present year, That Fifty pounds of *Tobacco per Poll*, doth amount to at Eight Shillings *per Cent.* and to accept of their full Compensation of their present disbursments, Fifty pounds of *Tobacco per Poll.* of the same Counties aforesaid, the next year, and that the Undertakers for the rest of the Counties in *Virginia* pay no more money then Fifty pounds of *Tobacco* doth amount to, at Eight Shilling *per Cent.* this present year to be paid them by the Sheriffs or Collectors of those Counties aforesaid, and the like summ of money next year upon payment made to them of fifty pounds of *Tobacco* per

*Levies to be made for carrying on the same.*

*How to be raised.*

*per Poll.* and ordered them to be Levyed, and that all Sheriffs and Collectors who have the charge of those Payments to the Undertakers, be and are hereby strictly required to cause Payment to be made of the best *Tobaccoes*, and as convenient as may be: Provided alwayes, that if no Undertakers do present themselves for any of those remaining Counties, that then the Respective County-courts are hereby required and commanded to Ship the *Tobaccoes* within the Counties for *England*, and consigne it to sufficient Merchants, and to cause the neat produce of it to be paid unto Mr. *Secretary Ludwel* and Colonel *Daniel Park*, for the Account of the Grand Assembly of *Virginia*: And be it further Enacted by the Authority aforesaid, that the money which shall be found due on the ballance of the Account of the two Shillings *per Hogshead*, be also remitted into *England*, to the Order of the Grand Assembly as aforesaid, And whereas this Grand Assembly are also sensible by the lowness of the publick Revenue, that money may yet be wanting for the advance and carrying on this most necessary work; Be it also further Enacted, by this Grand Assembly and the Authority thereof, that seventy pounds of *Tobacco per* cause in the general Courts, and fifty pounds of *Tobacco per* cause in the County-courts shall be amerced in the name of the Penalty, upon every Person that shall be cast in any suit except in Action of debt, in which if any be cast, he or they so cast as aforesaid, shall be Amerced in the general court Fifty pounds of *Tobacco*, if in the County-court thirty pounds of *Tobacco*, and in case of appeals double, Provided neverthelesss that all causes of Orphans be out of this clause of amercements utterly excused and foreprized, and be it further Enacted by the authority aforesaid, that the clerks of the county-courts give account of the said amercements also of all fines arising on Penal Laws at the raising of the Levy, when the courts are to deliver them to the Sheriffs, and the Sheriffs be, and hereby are authorized and enjoyned to collect and distrain for the same, as in case of Levies, and the courts are hereby authorized and impowered to dispose of the *Tobaccoes* to the best advantage of the country, and be accountable to the Grand Assembly for the Uses aforesaid, and that this clause of amercements be of force the next court after Publication hereof in each county, and so remain until the next *Assembly*, and no longer, unless it be thought fit to continue it.

II. *An*

## II.

## An Act *Ascertaining allowances for evidences summoned to the General Court.*

WHereas it hath been Considered that the allowance which the Law hath formerly given to witnesses who are often summoned from remote places, to give in evidence at the General Courts, is too little. As also for their attendance and expence in town; Be it enacted by the Governour, Council, and Burgesses, of this Grand Assembly, and by the Authority thereof, that thirty pounds of Tobacco *per diem* be paid to such witnesses as come to *James City* twenty miles and upwards; and that all witnesses have sixty pounds of Tabacco *per diem* for their expences the time of their attendance there.

*thirty pound of Tobacco* per diem *allowed to witnesses that come 20 miles, and upwards to* James City, *&* 60. *pound* per diem *during their attendance there.*

## III.

## An Act *probibitting the Justices of the several County-Courts, for Levying Tobaccoes upon the People for their accomodations and expences whilst they are keeping Court.*

WHereas it hath been Complained of, to this Grand Assembly, that it hath been the frequent practices of some of the Justices of the several County-Courts of this Countrey at the time of Laying their Levie to assess upon

the People of their respective Counties, certain summes of *Tobacco* for the paying and Satisfying their expences and accomodations whilst they are holding Courts, and attending thereupon, which practice is by the Grand Assembly adjudged illegal, be it therefore enacted by the Governour, Council, and Burgesses, of this Grand Assembly, and by the Authority thereof, That no County from henceforth pay or allow for accomodation of the Justices, at their County-Courts, any Order usuage or Custom to the contrary notwithstanding.

# IV.

## *An Act Commanding such Indians who keepe Hoggs to mark the same.*

WHereas Complaint hath been made that divers the Inhabitants of this Countrey have received mischief by the Indians in their Stock of Hoggs, against whom rarely any Legal proof can be produced to discover and Convict them; Be it therefore enacted by the Governour, Council, and Burgesses, of his Grand Assembly, and the Authority thereof that Indian proof as well as other legal proof shall from henceforth be good against all such Indians to Convict them on the Act against Hoggs stealing; And that those of the Indians who keepe Hoggs, do and hereby are enjoyned and required to give such a particular mark for that town where they live, as shall be appointed by the adjacent Counties.

*The Hoggs of Indians shall be mark'd with a Particular mark signifying to what Town they belong.*

V. An

## V.

### *An Act Impowering Feem Coverts to make good acknowledgment of Sales of Land.*

WHereas the Legal way in England in passing Estates where the Inheritance in a Feem Covert Is by way of fine and recovery. And it being the usual way in this Countrey for many years, we having no fines and recoveries, that Sales have been made by the Husband and wife of the Inheritance, of the wife by Conveyance, from them and the said Conveyance acknowledged in the General or County-Courts, by the Husband and wife; The Wife being first privately examined by the Court whether she acknowledgeth the same freely, but there being no Act of Assembly to Authorize the same; Be it therefore enacted by the Governour, Council, and Burgesses, of this Grand Assembly and by the Authority thereof; that all such Sales and acknowledgements, That by Husband and Wife have at any time hertofore been made in manner and form as aforesaid, or shall hereafter be made shall be good and effectual against the said Husband and Wife, their and every of their heirs and Assignes. And against all other Persons Clayming by from or under them or any of them; and that to all Intents and purposes: As if the same had been done by fine or Recovery or by any other wayes whatsoever.

*All Sales and acknowledgments that are made by Husband and wife to stand good in Law.*

## At a Grand Assembly held at *JAMES CITY*, *the* 7th *Day of* March, Anno 167$\frac{5}{6}$.

I. An

## I.

An *Act for the Safeguard and defence of the Country against the* Indians, *Vide Act the* 1st. *Anno* 1679.

## II.

An Act *probibitting trade with* Indians *Vide* Act *the* 3d. Anno 1677. *and* Act 8. Anno 1680.

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## III.

*An* Act *probibitting the exportation of Corne,* &c.

WHereas the Countrys preparation for war in all likelyhood may cause a more then ordinary expence of Provisions; It is therefore thought fit it be enacted, and it is by the Governour, Council, and Burgesses, of this Grand Assembly, and Authority thereof, enacted,

acted and Ordained that no Corne or other Provision from and after the fifth day of *April* next shall be exported out of this Colony under the penalty of two hundred pounds of *Tobacco* for every *Barrell* of Corne, and double the price of any other provision, to be paid by the party exporting it. Provided neverthelesse that it shall and may be Lawfull, for those who have already loaden any Corne or Provisions on board, and have purchased others to lade the same within the time afore limitted, but not afterwards, and the same so laden to export without Impeachment, any thing in this Act to the Contrary notwithstanding. And it is further enacted, That this restraint Continue till the last day of *July* next, and no longer, unlesse the honourable Governour think fit to Continue the Restraint.

*No Corn shall be exported under penalty of paying 200. pound of Tobacco, for every Barrel thereof and twice the price of other Provisions.*

*The terme this Act shall continue in force.*

## At a *Grand Assembly* held at JAMES *CITY*, the fifth of *June*, *Anno* 1676.

ALL the Acts and Orders of this Assembly are Repealed, made Void and Null by His most Sacred Majesties Instructions and Proclamation; And also by the fourth Act of Assembly, bearing date at *Green-Spring* the twentieth of *February*, *Anno* 167$\frac{6}{7}$.

## At a *Grand Assembly begun at* Green-Spring, *the Twentieth of* February, Anno 167$\frac{6}{7}$.

.I

*An Act of Indemnity and free Pardon, Repealed by his* Excellencies Proclamation, Anno 1680.

## II.

*An* Act *of Attainder, Repealed by his* Excellencies Proclamation, Anno 1680.

## III.

An Act *inflicting Pains, Penalties and Fines upon great Offenders, Repealed by his* Excellencies Proclamation, Anno 1680.

## IV.

Obsolete

*An Act Declaring all the* Acts, *Orders, and Proceedings of a* Grand Assembly *held at* James City *in the Month of* June, 1676. Void, Null, and Repealed.

WHereas *Nathaniel Bacon* the younger in the Month of *June*, 1676. Whilst the Governour, Council and Burgesses were met and Convened together at a Grand Assembly, to Consult the great Concerns of the Countrey, did enter *James City* in a Rebellious manner, with a considerable

derable number of Armed Men, to the number of six undred, or thereabouts, Environing and Besieging the Governour, Council and Burgesses, and offering force and iolence to them, and every of them, threatning them with ddain death, if they would not grant his unreasonable, unwful Rebellious and Treasonable Demands, and by his hreats and offered violence did obtain to himself whatsoer he so unlawfully demanded. And whereas the Kings ost Excellent Majesty, by his gracious Proclamation, and e Right Honourable the Governour by his Proclamation, th long since declared all the Proceedings of the said Asmbly to be void in Law; Be it therefore Enacted by this esent Grand Assembly, and the Authority thereof, That l Acts, Orders, and Proceedings of the said Grand Assemy be Repealed, and made void and Null.

*All Acts of Assembly made during the Rebellion raised by* Bacon, *Repealed.*

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## V.

## n Act *for Relief of such Loyal Persons as have suffered Loss by the late Rebels, Repealed by His* Excellencies *Proclamation,* Anno 1680. Vide *Act* 1. 1680.

VI. An

# VI.

## An Act ascertaining the price of Cockquet

*One half-penny Per Hogs-Head payable for all Bills of Loading not containing above Twenty Hogs-Heads.*

*In Bills of Loadng exceeding that numver 12d. for every Cockquet.*

*A Repeal made of several Acts Relating to the payment of 2s. per Hogshead Impost.*

VVHereas Complaint hath been made to this A*ssembly*, that for times past, there hath been u ally taken and received several and divers Sums of Mone from the Inhabitants of, and Traders into this Collonie, u der the notion of Cockquet-money, in some places one penn *per Hogshead*, & in some places twelve-pence for each Coc quet, or several Bill of Loading for *Tobacco* shipped, or dive and sundry marks in one *Bill* of loading; and that there ha hitherto been no Law or *Act* of *Assembly* for the same; Be therefore Enacted by the Governour, Council and Burge ses of this Grand *Assembly*, and the *Authority* thereof, an it is hereby Enacted, that from and after the publicati hereof, the Rate and Price for every Cockquet be as fo loweth, *viz.* One half-penny *per Hogshead* for all such qua tities and parcels as shall be contained in one *Bill* of loadi or Entry, which shall not exceed the number of Twen *Hogsheads*, and twelve-pence for every *Cockquet*, for a such quantities as shall be contained in one *Bill* of loadi or Entry which shall exceed the number of Twenty *Hog heads*, and no more shall be taken for each *Cockquet* althou different marks shall be contained in one and the same *E try* or *Bill* of loading. And be it further Enacted by th present Grand Assembly, and the *Authority* thereof, And is hereby Enacted, that the *Acts* of *Assembly* made in the year 166½. The Acts made in the ye 1666. and 1669. which allows the impost money of t shillings *Per Hogshead* to such Owners as dwell and res in *Virginia*, be from henceforth Repealed, except onely such Owners of Ships or Vessels as already have been bui or hereafter *shall* be built in *Virginia*, and shall wholly b

ing *bona fide* to Owners residing in this Countrey; Provided alwayes that such Ships as are now within the Capes, and are wholly belonging to *Virginia-Owners*, be for this present Voyage free from paying the said Impost of Two shillings, according to the intent and meaning of the aforerecited Acts. And be it further Enacted, that for the time to come there be no Fees taken for Vessels or Ships built in this Colony, and belonging wholly to the Inhabitants of this Countrey, other than two shillings six-pence for Entry, two shillings and sixpence for Licence to Trade, two Shillings and six-pence for clearing, and two shillings and sixpence for the Bond. *what Fees are to be taken for Vessels built in this Colony, and belonging wholly to the Inhabitants thereof.*

## VII.

## An Act *Limiting Masters dealing with their Servants.*

WHereas several Complaints are made that divers and sundry Masters of Servants during the time of several their Servants servitude and more especially, some small time before the expiration of their service, do by indirect meanes make sundry and divers bargains and Agreements, to the Servants great Injury, hurt, and damage, who because of his Coverture is drawn in and often times necessitated to Comply with the avaritious tempers and unreasonable desires of such Masters; for the prevention whereof for the Future; Be it Enacted by the Governour, Council and Burgesses of this Grand Assembly, and the *Authority* thereof, That from and after Publication hereof, it shall not be lawful for any Masters of Servants, to make any *Bargaine* or Agreement with his Servant before the time of his first Service, by Indenture or Custome of the Countrey, is expired and fully ended, either for such Servants, Corne and Clothes, or

*No Master shall make any Bargaine or Contract with his Servant before the full time of his service be expired, unless it be in the presence of, and with the approbation, of some Justice of the peace.*

otherwayes, except the ſame be made and Confirmed be-twixt ſuch Maſter and Servant bargainning and agree-ing in the preſence and with the approbation and good liking of ſome one or more Juſtices of the peace in the Countie where ſuch Maſter reſides, upon the penalty of forfeiting to ſuch Servant, ſuch time of ſervice as ſhall be due to the Maſter, at the time of making ſuch Bar-gaine, otherwayes and in other manner then is herein ſet down by this Law, meant, and intended, and alſo all o-ther advantages and agreements, contained, condition-ed for, or included in ſuch Bargaine or Agreement, whatſoever.

## VIII.

## An Act *Limiting times of Receipt and Pay-ment of Publick* Tobacco.

WHereas ſeveral perſons have been and ſtill are lya-ble to be prejudiced by the Remiſſneſs of She-riffs and Collectors of the Publick, and County-Leavies who often take advantagious times to demand and receive the publick Dues, and other Collections, for which they may in ſeveral Caſes make ſeizure and diſtreſs; for preventi-on whereof for the future, Be it Enacted by this preſent Grand Aſſembly, and the Authority thereof; And it is here-by Enacted, That the 8oth. Act of Aſſembly in the Printed Book of Acts, Limiting a certain time when Creditors ſhall demand their Debts, ſhall be interpreted and holden to ex-tend to Sheriffs & other Collectors of the Publick, & Countie Leavies, and of all other Sheriffs and Clerks Fees; And alſo that all publick Countie-Debtors and all Debtors of or for Sheriffs or Clerks Fees, may have the benefit and Liberty of the ſe-cond Act of Aſſembly made in the year 1666. which ad-mits

mits of Tenders of *Tobacco* to the Creditors according to the full intent, meaning or purport thereof; And be it further Enacted by this Grand Assembly, and the Authority thereof, That in Case of Collecting the publick or Countie-Dues or other Fees as aforesaid, any Sheriff or Collector shall at any time make seizure or distress of more *Tobaccoes* then is at that time due from the Debtor; That in all such Cases, the person seizing shall make immediate satisfaction to the party from whom they shall make such seizure, or otherways that he be allowed to take his *Over-plus Tobaccoes* out of the Hogshead so seized, and that no Sheriff or other publick *Collector* shall or may from or after the *publication* of this *Act* presume to make seizure of any Hogshead of *Tobacco* before that time paid away and marked; And if there be at that time other Merchantable *Tobaccoes* ready in such *Plantation* where such seizure was made, and which shall be offered and tendred by the Debtor. And be it further Enacted by the Governour, Council and Burgesses of this Grand Assembly, and the Authority thereof, And it is hereby *Enacted*, That the Justices holding Court, be by vertue of this Act for the time to come fully impowered to Commissionate and appoint the Respective *Collector* or *Collectors* of the *publick*, and Countie-Levies. And whereas Complaint hath been made that sometimes one and the same person hath officiated at the same time in the Office of Justice, as Justice of the Peace, and *Clerk* of the Countie-Court. which hath been found inconvenient for the prevention whereof for the future; Be it *Enacted* by this present Grand Assembly, and the authority thereof, That no person whatsoever shall be capable at the same time of being a Justice of the Peace, and Clerk of the County-Court, or being at one and the same time High Sheriff of the *Countie*, and *County-Court-Clerks* and for the greater ease of the Inhabitants of this *Countrey*, Be it enacted by this present Grand Assembly, and the authority thereof, And it is hereby enacted, that from and after the publication of this Act, it shall and may be lawful for the *County-Court Clerk* to depute the High Sheriff or Under-Sheriff of the Countie, to enter such actions as shall be brought to them or either of them; and that such *Entry* be held good in Law. And for the better guide of the *County-Courts* and more sure administration of Justice, be it enacted by this present Grand Assembly. and the authority thereof, That such of the Honourable *Council* of State as will please at any time to sit in any *Court* of *Virginia* shall and

*A Regulation of Seizures made of Tobacco due to the Publick.*

*No person shall be Justice of the Peace or High Sheriff and Clerk of the County-Court at the same time.*

*The County-Clerk may depute the High Sheriff or Under-Sheriff to enter Actions.*

and may have equal vote with every Justice of the Peace, of or belonging to the said *Court*; and that such *Councellours* so sitting with the *Court*, be by the *Clerk* entred to sit there, and be equally liable and responsible with every other Justice of Peace for all such Acts or Orders of *Court* he shall at any time of such sitting with the *Court*, give *Vote* and assent to. And be it further enacted by this Grand *Assembly*, and the *Authority* thereof, and it is hereby enacted, that no person whatsoever not born in this *Country* from and after the publication of this *Act*, shall be capable of bearing any Office within this *Colony* of *Virginia*, whether *Civil* or *Military*, unless Commissionated by his Most Sacred Majesty, before such person have been dwelling and residing three years in this *Colony*. And be it further enacted by the Governour, Council and Burgesses of this Grand Assembly, and the authority thereof, and it is hereby enacted, that all such persons as have been Convicted in *England* or elsewhere, & are either now Residing or shall hereafter come into this Countrey, be for ever uncapable of bearing any Office Civil or Military, within this his Majesties Colony of *Virginia*. And be it further Enacted by this present Grand *Assembly*, and the *Authority* thereof, that whereas the 64th. *Act* in the printed book, doth impower the *County-Courts* to grant probates and administrations, which probates and administrations are usually signed by the Right Honourable the Governour, which is not only burthensome to his Honour, but inconvenient to the Inhabitants, Be it *Enacted*, that from & after publication hereof, it shall and may be lawful for any two Justices of the *Quorum* in their Respective Counties, to sign such probates and letters of administration, and the same so signed shall be held and deemed good in Law, provided always that Certificates thereof be sent to Mr. *Secretaries Office*, as is provided by the aforesaid *Act* of *Assembly*.

*Members of the Council of State, may sit in any Court in* Virginia.

*No person not born in Virginia shall be capable of bearing any Office there, till they have dwelt three years in the Country, unless Commissionated by His Majesty.*

*Persons Convicted in* England, *shall be held uncapable of bearing Office in Virginia.*

*Any two Justices of the Quorum, may sign probates of Wills and Letters of administration*

# IX.

## An Act *Repealing the Act allowing free Tythables to divers Persons.*

WHereas by several Acts of Assembly it is provided, that every Respective Councellor, and ten of his Family, shall be free from paying any publick or County-Levies, and also that every Minister and six Tythables for their attendance at *James City* in General Court-times, and times of Assembly, be free from paying Levies; which Laws are found unequal and inconvenient; Be it therefore Enacted by the Governour, Council, and Burgesses of this Grand Assembly, and the Authority thereof; And it is hereby Enacted, that all former Laws relating hereunto, be henceforth Repealed; and that instead thereof there be annually paid and allowed out of the Moneys arising upon the Impost of two Shillings *per Hogshead* to the Councellors attending General Courts and Assemblies, over and besides the two hundred and Fifty pounds *Sterling* according to several Acts and Orders of Assembly, usually heretofore paid them, one hundred pounds *Sterling*, which together with the said two hundred and fifty pounds *Sterling*, makes in the whole three hundred and fifty pounds *Sterling*; and that all the said three hundred and fifty pounds *Sterling* to be annually paid as aforesaid, shall be distributed and proportioned amongst the several Councellors attending at General Courts and Assemblies according to their Attendance at the same proportionably; which distribution and proportioning shall be annually made by the right honourable the Governour, and the several Councellors according to their

*Allowance to the Councellors attending at General Courts.*

attendance, more or leſs, at General Courts or Aſſemblies. And be it further Enacted by this *Grand Aſſembly*, and the Authority thereof, that there be annually paid out of the ſaid Impoſt money to ſuch Miniſter or Miniſters, as by the Right Honourable the *Governour* ſhall be appointed, and ſhall attend at *General* Courts or Aſſemblies, five pounds *Sterling* for their attendance, for every *General Court* or Aſſembly they ſhall attend; and that no Perſon or Perſons heretofore tythable by any Law, Cuſtom or uſuage, be from henceforth exempted from paying publick or County-Levies, the Right Honourable the Governour and his Servants excepted, the Single Perſons of every one of the Council, and alſo all Miniſters beneficed in this Countrey, and ſuch Lame or Impotent Perſons as either already are, or ſhall from time to time be ordered to be exempted out of the Liſts, by the County-courts where they dwell.

*Miniſter to have 5 pound allowed him for his Attendance on the General Court.*

*Who only are exempted from the payment of publick or County-Levies*

X.

## *An Act Regulating Ordinaries, and the Prices of* Liquors.

WHereas the Multiplicity of Ordinaries in this Colony is found to be pernitious and hurtful to the Inhabitants; Be it therefore Enacted by the Governour, Council and Burgeſſes of this *Grand Aſſembly*, and the Authority thereof, and it is hereby Enacted, that from and after the Publication of this Act, there ſhall not be admitted, ſuffered or licenced, above two Ordinaries in any one County of this Colony at one time, except in that County where the general court ſhall be held; and that the power of

*Not more than two Ordinarys in any one County, except in that where the General Court is held.*

of granting Licences be in the Respective County-courts, the Right Honourable the *Governour* being paid for such Licences according to former Laws in such cases; and that no Person be Licenced to keep Ordinaries, but such as are accountable, and will enter into sufficient bond to find and provide constantly for Travellers good Dyet, Lodging and horsmeat, and will rate and sell their Provisions and Liquors according to the rates and prices hereafter set down, and allowed by this Law, upon such Penalties and Forfeitures as shall be therein provided and inflicted, which Penalties shall be and belong the one half to the person or persons who shall inform of and sue for the same, and the other half to the County wherein the same shall be forfeited. And be it Enacted by this *Grand Assembly*, and the Authority thereof, that all Ordinaries selling Liquors, do demand or take no more for *Virginia* Drams, Strong Beer or Ale, then is set down in the Act of Assembly, made in *September* 1671. that the rate for Cyder and Perry, if boyled, be twenty pounds of *Tobacco* for one Gallon, and if Raw, eighteen pounds of *Tobacco per Gallon*; that the price of lodging be three pounds of *Tobacco* for one Night; that the price of Dyet, where the general court of Assembly is held, be twelve pounds of *Tobacco* each meal for the Master, and eight pound for the Servant; and in all other Ordinaries in the Countreys ten pounds of *Tobacco* each meal for the Master, and six pound for the Servant; that the rate of Horse-Pastorage be six pounds of Tobacco for one day and Night; and if housed, for straw and Hay eight pounds of Tobacco the day and night, and for *Indian* Corn after the rate of forty pounds of Tobacco *per* Bushel, and for Oats after the rate of sixty pounds of Tobacco *per* Bushel; and that all Ordinary-keepers be, and are hereby enjoyned to secure all Horses that they have charge of, from running away and being stoln, upon the Penalty of paying the charge of finding the Horse or Horses, or paying for them if lost; and that the Justices of every Respective Court, within this Colony be enjoyned in the Months of *May* and *November*, yearly to meet at their County-court-house, and assess and set the rates on all Liquors as are not herein mentioned, and rated according as the Market price then rules for such Liquors; and that no Ordinary-keeper presume to advance and take for such Liquors so by the Justices rated above *Cent per Cent* Profit, upon the Penalty and forfeit of Ten-fold such Exactions, and over rates by them demanded or taken; and that all such Persons buying and Expending

*What prices shall be paid at Ordinaries for Liquors, Diet and Lodging.*

*Horse-Pastorage, Hay and Oates.*

*Justices to appoint the prices of Liquors twice in the year.*

pending at Ordinaries, who ſhall at any time pay greater rates, then is hereby allowed and ſet down, forfeit and pay for every ſuch Payment, or Obligation for Payment, Five fold the ſum ſo overpaid, and that all thoſe County-courts neglecting to meet and aſſeſs the Rates and Prices as afore-ſaid, be fined five thouſand pounds of Tobacco and cask, all which fines ſhall come and belong the one half to the uſe of the County where ſuch Forfeiture is made, the other half to him or them who ſhall inform of, or ſue for the ſame.

## XI.

### *An Act diſpoſing* Amerciaments *upon caſt* Actions.

*Amerciaments upon Actions caſt at Law, repealed.*

WHereas by an Act of Aſſembly made in the year 1674. It was Enacted, that certain Amerciaments, therein ſet down, ſhall be paid upon Actions caſt at Law, and that an account of ſuch Amerciaments be returned to the Aſſembly to be by them diſpoſed of; Be it therefore Enacted by this preſent Grand Aſſembly, and the authority thereof, and it is hereby Enacted, that the ſaid Act be from henceforth Repealed, and that all Tobaccoes which have been received, and are become due by reaſon of the ſaid Act of Aſſembly, and Amerciaments be paid and diſpoſed to the uſe of the Counties, where the ſame became due, towards the Defraying of that Countys-charge, and that the ſeveral Reſpective County-Courts enquire into the ſame, and diſpoſe of them accordingly.

## XII.

## An Act *concerning Servants who were out in Rebellion, Repealed by his Excellencies Proclamation,* Anno 1680.

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## XIII.

## An Act *for the laying of Parish* Levies.

FOr the better and more equal laying of Parish Levies and dues, be it Enacted by the Governour, Council [a]nd Burgesses of this Grand *Assembly*, and the authority [t]hereof, and it is hereby Enacted, that the Freeholders and [H]ouse-keepers, in each Respective County, shall and may af[t]er Publication hereof have Liberty to choose six able dis[c]reet House-keepers, or Freeholders to sit with the Vestry, [a]nd have their equal Votes, with the other Vestry men at [t]he assessing the Parish Taxes, and where the Parishes shall [e]ither refuse or neglect to choose such men, or being cho[s]en they shall not appear and attend the time appointed, by [t]he Vestry for assessing the same, having had Notice thereof [b]y Publication at the Court or Parish Church, the Vestry [t]o proceed without them, and that there be a day nomina[te]d and appointed annually in *September*, by the Eldest [J]ustice in Commission in the Parish for such Election as a[fo]resaid, and in case no one Justice shall recide in that Pa[ri]sh, then the day to be Nominated and appointed by the [J]udge of the Court.

*Six able house-keepers may assist the vestry in the assessing of Parish Taxes.*

## XIV.

### *An Act Repealing the* Act *of* E*ncouragement for killing Wolves.*

BE it Enacted by the Governour, Council and Burgesses of this Grand Assembly, and the Authority thereof, that all Acts giving Encouragement for killing of Wolves be Repealed, and that in place thereof, there be Liberty granted to each Respective County to make such By-Laws for Encouragement of killing Wolves, as they shall think fit.

*Particular Counties Authorized to make by-Laws for the killing of Wolves.*

## XV.

### *An Act giving Seven Years time to seat Frontier* Lands.

WHereas by reason of the late Murders Comitted by Barbarous *Indians*, which they continue daily to commit, and also by reason of the frequent Incursions, and the

[t]he late destructions and troubles amongst us, very many [o]f the Inhabitants of this Countrey, his Majesties Leige [P]eople have been inforced to forsake their Plantations, and [l]eave their Lands uninhabited, especially in the Frontier [C]ounties; Be it therefore Enacted by this present Grand [A]ssembly, and the Authority thereof; and it is hereby E-[n]acted, that all Lands or Tracts of Land forsaken or unin-[h]abited by reason of the Incursions of the *Indians*, and the [l]ate troubles and distractions amongst us, shall not lie desart [b]y want of due Seating, and planting such Lands, in less [t]ime then seven years from the date of this Act. And that [f]or the time to come, seven years time be allowed from the [d]ate of this Act, for the Seating and planting such Lands as [a]re already taken up, and patented in the frontier Counties of [t]his Colony.

*Frontier Counties to be planted and inhabited.*

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# XVI.

## An Act *Regulating Burgesses* Expences.

WHereas by former Acts and Orders of Assembly, it is provided, Enacted and Ordered, that the Allow-[a]nce to every respective Burgess for his necessary Expence [a]nd charge, attending at Assemblies, be for every day one [h]undred and Fifty pounds of *Tobacco*, over and besides the [n]ecessary charge and expences of his coming to, and return-[i]ng from the Assembly, and also the inavoidable cost and ne-[c]essary charges of his waiting Servant and Horses, is com-[p]lained of as grievous and burthensome to the people: [T]his *Assembly* having taken the same into their serious [c]onsideration, Do enact, and Be it enacted by the Gover-[n]our, Council, and Burgesses of this grand *Assembly*, and [t]he authority thereof, and It is hereby enacted, That for [t]he time to come, the allowance to each and every respe-

ctive

1676/7



ctive Burgeſs which ſhall attend at any Aſſembly hereafter to be called, be one hundred and twenty pound of *Tobacco* and Cask *per* day; and for ſuch allowance to commence and begin two days before the firſt day of every *A*ſſembly, and two days after, for convenient time for every Burgeſs to return home. *A*nd to prevent the great charge and abuſe that may accrue by Burgeſſes coming to *A*ſſemblies by Sloops and Boats, Be it enacted by this preſent Grand *A*ſſembly, and the authority thereof, and it is hereby enacted, That over and above the one hundred and twenty pounds of *Tobacco per* day, allowed to each Burgeſs for his expence, there be allowed for the charge of a Sloop, two men to ſail the ſaid Sloop, and their proviſions, for the two Counties of ***Northampton*** and ***Accomack***, ſixty pounds of *Tobacco per* day, and no more; and that the charge of a Boat, two men to row, and their Proviſions, bringing ſuch Burgeſſes as can come none other way but by water, be thirty ſix pounds of *Tobacco per* day, and no more; and that the charge for Horſe-hire for ſuch Burgeſſes as come by land, be ten pounds of *Tobacco per* day, for each Horſe ſo uſed; and that their unavoidable charge, and payments for paſſage by Ferry over the Rivers, in their coming to *A*ſſemblies, & returning home, be alſo allowed them. *A*nd be it further enacted by this preſent Grand Aſſembly, and the authority thereof; And it is hereby enacted that if emergent occaſion ſhall require that an Aſſembly be called, before there are houſes of entertainment built, that then thoſe Burgeſſes that muſt of neceſſity come by water in ſloopes, have the ſame allowance with the Eaſtern Shore, Burgeſſes and thoſe other Burgeſſes who muſt neceſſitouſly uſe Boats to bring their Proviſions and other neceſſaries, and that for the time to come no expence of Committees be allowed of, or brought to the publick account.

*What Allowance Burgeſſes ſhall have during their attendance at the Grand Aſſembly.*

XVII. An

## XVII.

### *An Act for opening Courts of Judicature.*

WHereas by reason of the late horrid Rebellion all Courts of Judicature have been shut up, and the rightful and due course of Justice could not possibly be taken and administred: Be it therefore enacted by this present Grand Assembly, and the Authority thereof, that from and after the date of this Act, all Courts of Judicature may be opened; and that the Respective Justices of the several County-Courts do assemble themselves together, and hold Courts according to the Laws, and according to the usual manner, and Custom of the Countrey, at the usual places and days appointed by Law, or by them accustomed to be held, that Justice may again be freely exercised, and done in all cases where it shall be required.

## At a *Grand Assembly begun at* Middle-Plantation, October *the Tenth*, Anno 1677.

# I.

## An Act *impoſing Fines upon Delinquency of* Grand Juries.

FOr as much as the thirty eighth Act of Aſſembly in the Printed Laws, directing and commanding that Juries of Inqueſt be Impanelled and Sworn in every Countie, to the ends and purpoſes therein mentioned, is by reaſon there is no Fine ſet upon the Juſtices neglecting to appoint and ſwear the ſame; Nor upon the Jurors not making due enquiry and Preſentment according to the true intent and meaning thereof, become generally neglected and unexecuted; Be it Enacted by the Governour, Council and Burgeſſes of this Grand Aſſembly, and the Authority thereof, and it is hereby enacted, That the Juſtices of Peace of each Countie of *Virginia*, neglecting and omitting once every year before or upon the laſt day of *April*, to make Choice of and ſwear a Jury of Inqueſt, according to the true intent and meaning of the before Recited Law, ſhall be Fined for every ſuch omiſſion Two Thouſand Pounds of *Tobacco*, the one half to the Informer, and the other half to the Counties uſe; And each Jury of Inqueſt not making appearance at the time appointed in the Law, or not making Inqueſt and Preſentment according to the intent and meaning thereof, ſhall be Fined, each Juryman making ſuch default, Two Hundred Pounds of *Tobacco*, the one half of which Fines to be paid to the Informer, and the other half to the uſe of the Counties for each ſuch default whereof they ſhall be lawfully Convict.

*Fines laid on Juſtices of Peace for neglecting to Impanel Grand-Juries.*

II. An

## II.

## An Act *Prohibitting private Compositions.*

Obsolete

FOr as much as very many Complaints have been made of the unreasonable Compositions made by divers persons for Trespasses done in time of the late Rebellion, for prevention whereof for the future, Be it Enacted by the Governour, Council and Burgesses of this Present Grand Assembly, and the Authority thereof, And it is hereby Enacted that for the time to come, no Composition shall be made with any person whatsoever, for any Horses, Boats Arms, Cattel, Hoggs, Sheep, Goods or any other matter or thing whatsoever, plundered or taken from them in the late Rebellion; But such only as shall be made and acknowledged in open Court, and that each Court be, and are hereby required, to take Cognizance of such Compositions, and see that they are not oppressive; and whatsoever Agreement or Composition shall be otherways made, or any Bill or Obligation taken for such Compositions, to be Null and *Void*; And be it further Enacted by this Present Grand Assembly, and the Authority thereof; And it is hereby Enacted, *That* all such persons who for the time to come, shall bring their Suits; in any Court of Record for any *Trespass* or *Trespasses* Committed in time of the late Rebellion, shall before their Suits shall be admitted ascertain, and prove their whole loss or claim for the *Trespass* done at that time or times for which they shall bring such account, and also give their account upon their Oaths, if the same shall be required, of what Goods have been returned, what recovered by Law, and what Composition they have made for the same or any

*Compositions Relating to Dammages received in the late Rebellion, to be made and acknowledged in Court or else to be invalid.*

part

part thereof, to the end it may be known when such claims or suits may have end. And for as much as divers ill-disposed persons do frequently notwitstanding the Late Act of *Assembly*, requiring the Countrie not to renew the Quarrels Breaches and Heart-burnings amongst us, in using by-names and terms of distinction, *viz. Traytor*-Rebel, Rogue-Rebel, or such like, by which means it will be impossible ever to unite this Colony to its former estate of love and friendship, though wished for, and desired by all good people, Be it Enacted, by this Present Grand *Assembly*, and the *Authority* thereof, and it is hereby Enacted, that whosoever shall presume to use any such aggravations or terms of distinction as aforesaid, and shall be thereof lawfully convict, shall for every such Offence forfeit and pay Four Hundred Pounds of *Tobacco* to the use of the Parish where such Offence shall be committed; and whereas on the other side, divers insolent persons who have been deeply concerned in the late Rebellion, will and do notwithstanding their guilt, presuming upon the gracious pardon granted by his Majesty, with unseemly and offensive Language urge and provoke those who have been Loyal and great sufferers in those late unhappy times, to utter in their passion such words as otherways they would not do, both which being highly esteemed injurious and prejudicial not only to his Majesties Peace, but also to the desired Unity of this Colony, Be it therefore Enacted by this Present Grand Assembly, and the *Authority* thereof, And it is hereby Enacted, that whosoever shall at any time offer such provocation, by any Language to any Loyal Person whatsoever, as shall by the Court, where the same shall be complained of, be adjudged a sufficient provocation for retorting bad language, such person using such provocations be also Fined, and pay Four Hundred Pounds of *Tobacco*, and *Cask* to be disposed of by the *Vestry*, to the use of the Parish where such Offence shall be Committed.

*Persons provoking others by aggravations or terms of distinction fined four Hundred Pounds of Tobacco.*

# III.

## An Act *Licencing Trading with* Indians.

FOr as much as the total prohibition of Trading with *Indians*, is experimented and found hurtful and prejudicial to this his Majesties Colony, and the Inhabitants thereof, Be it Enacted by the Governour, Council and Burgesses of this Present Grand Assembly, and the Authority thereof, and it is hereby Enacted, that all Indians whatsoever being in amity and friendship with us, from henceforth shall have free and full liberty to come in amongst us, and bring in any Commodities whatsoever to the places, and at the respective times hereafter mentioned, and to Trade with, sell, or Truck for the same, with the *English* resorting thither, but no where else for any Commodities whatsoever; and that such Marts or Fairs continue twenty days, and no longer, that is to say, that the Publick Marts or Fairs for *James* River be the one where the Justices of Peace in *Henrico-County*, being met and set in Court, shall appoint and nominate, and the other for the south-side of *James* River to be at the Isle of *Wight* County-Court-House, the beginning of which Marts or Fairs at the head of *James* River to be the first day of *April*, and the first day of *September*, every year; the beginning of the Marts or Fair for the south-side of *James* River to be the tenth day of *May* and tenth day of *November* yearly; the place for the Mart or Fair in *York-River* to be appointed and set down by the Justices of Peace in *New-Kent* County, being met and sat in Court, the beginning of which Mart or Fair to be yearly the tenth day of *April*, and tenth day of *September*; the place for the Mart or Fair in *Rapphannack* River to be appointed, and set down by the Justices of Peace in *Rapphannack* County being met, and set in Court, the

*Trade permitted with the* Indians.

*At what places and times Marts or Fairs shall be held for Trade with the In*dians.

*How long such Marts or Fairs shall Continue.*

ginning of which Mart or Fair to be yearly the twentieth day of *April*, and twentieth day of *September*; the place for the Mart or Fair in *Potomack-River* to be appointed and set down by the Justices of Peace in *Stafford-Countie*, being met and set in Court, the beginning of which Mart or *Fair*, to be yearly the thirtieth day of *April*, and thirtieth day of *September*; the place for the Mart or Fair in *Accomack-County*, to be appointed and set down by the Justices of Peace in that County, being met and set in Court, the beginning of which Mart or *Fair* to be yearly the tenth day of *March*, and tenth day of *September*; the place for the Mart or *Fair* in *Northampton-Countie*, to be at that Courts appointment also, the beginning of which Mart or *Fair*, to be yearly the tenth day of *May* and tenth day of *November*, and if any of those days shall happen to fall upon a *Sunday*, then such Mart or *Fair* which shall so happen to fall upon a *Sunday*, shall begin the next day following, and whosoever shall truck trade, or deal with any *Indian* or *Indians* whatsoever, at any other time or place then is herein mentioned and set down shall forfeit and pay for every such offence, five thousand Pounds of *Tobacco*, the one half to the Informer, and the other half to the use of the Publick; always provided, that the dues belonging to the Right Honourable the Governour be reserved as formerly; and to the intent, that there may be books kept of what is bought and sold, Trucked, Traded, & dealt for in such and every the RespectiveMarts and *Fairs*, that the Clerk of the County-Court, where such Mart or *Fair* is held, or such other whom the Right Honourable the Governour for the time being shall appoint the Clerk thereof, and take account and place the same in fair writing in a book, of all what is bought, sold, Trucked, Exchanged, or dealt for, and for his fee it shall be lawful to have, receive and take to himself, the one twentieth part of all *Indian* Commodities, there Sold, Trucked; Traded or Dealt for.

*Penalty upon such as shall Trade with Indians, at other places or times than is herein specified.*

*Accounts to be taken by the Clerk of the County, or whom else the Governour shall please to appoint, of what is bought and sold in the Marts or Fair aforesaid.*

Provided always, that it shall and may be lawful for any *Indian* wanting Corn, until such respective marts or fairs at the several respective places shall first begin, but not after that time to buy, such *Indian* Corn as they shall have need of, from any Person, or at any place where they can buy the same, any thing in this Act to the contrary notwithstanding.

Provided also, that the *Wiccacommico Indians* living in *Northumberland* County, and the *Chies-Lake-Indians* living in *Glocester* County, to have such Liberty and rules for their

their trading with the English, as shall be set, appointed and allowed them by order and appointment of the respective County-courts in each County, any thing in this Act to the contrary notwithstanding.

Provided also, that it shall not be lawful, or permitted to any *Indian* or *Indians* resorting to or meeting at any those aforesaid marts or fairs, to travel with, or carry Armes, or appear there armed, except only the carrying home such arms and Ammunition as they shall then and there purchase, and shall be found registred in the Clerks Book, for which they shall have with them his Certificate.

*Indians Resorting to the said Marts shall not come armed.*

Provided alwayes, and it is the true intent and meaning of this Act, that no Person or Persons shall be hindred from entertaining any *Indians* in their Houses, who shall have the right Houourable the Governours Licence so to do, according to a former Law in that case provided, any thing in this Law to the contrary notwithstanding.

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## IV.

## *An* Act *Imposing Fines on Sheriffs, concealing Tythables.*

BE it enacted by the Governour, Council and Burgesses of this present Grand *Assembly*, and the authority thereof, and it is hereby enacted, that whatsoever Sheriff, Collector or Receiver of the publick or County Levy, shall be found to Levy and receive Tobaccoes, due upon concealed Tythables, and shall not give account to the next County-court thereof, after his such Receipt or Collection of the same, but shall convert or endeavour by such Concealment to convert

convert the same to his own use, and shall be thereof lawfully convict, shall be fined and pay the Penalties enjoined in the former Act or Acts of *Assembly* for concealed Tythables.

## V.

## An *Act ascertaining the Price of double Patents.*

Forasmuch as divers persons making advantage thereof to themselves, thereby to save the trouble and charge of seating new, taken up Dividends of land, do customarily add new Tracts of Land to former Patented Dividends: Be it therefore Enacted, by the Governour, Council and Burgesses of this present Grand Assembly, and the Authority thereof, and it is hereby Enacted, that it shall and may be lawful in such cases for Mr. *Secretary* to take as his due Fee so many times eighty pounds of *Tobacco*, as there are several Tracts of land in such Patent; but where several old Tracts of land fomerly Patented shall be drawn into one new Patent, and no new lands not Patented before added thereunto, in such cases the Fee for such patent shall not exceed eighty pounds of *Tobacco*.

## VI.

## An Act *for the Imposition of Two Shillings on every five hundred pounds of Bulk* Tobacco, *Vide* Act the third, Anno 1680.

VII. An

## VII.

## An Act *for Delivery of Strey-Horses, &c. Repealed by his* Excellencies Proclamation, Anno 1680.

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## *VIII.*

## An Act *restraining the impress of Timber, &c.*

FOrasmuch as divers complaints have been made, that it hath been heretofore practical to impress, and take rom any mans land, such Timber trees as those who preended to have such power were pleased to take, to the reat hurt and dammage of such persons, Owners of the said and and Timber, from whom the same hath been taken, nd contrary to the Right of Inheritance in and to the said ands and Timber, to the end no such abuses, and Infringnent of Properties may for the future be offered and done, e it enacted by the Governour, Council, and Burgesses of his Grand *Assembly*, and the authority thereof : and it is ereby enacted, that no Person or Persons under pretence of ny power or Warrant whatsoever, that shall be imployed

for the time to come, to procure or impress Timber for publick use, or other purpose, use, or intent whatsoever, shall or may take or impress any Timber from any mans land whatsoever, before he or they so impowered or pretending to be impowered, shall have first made Composition or Agreement with the Owner thereof, for the price of the same, and shall have made ready payment, or given sufficient caution for payment, according to such Composition and Agreement, upon the Penalty of paying for each Timber-tree, so taken without Composition or Agreement as aforesaid, five pounds *Sterlin*, according to a former Law in such like cases, made and provided.

*Persons Impowered to Impress Timber, shall first make composition, or agreement with the Owners thereof.*

Provided alwayes, that if the Owner of such Timber as shall be wanted for publick uses, shall be unreasonable in his setting a price thereon, finding the advantage of the necessity thereof, to be had and taken for publick uses, that in such cases it shall be lawful to procure a Valuation thereof, to be had and taken by two good and honest men, of the Neighbourhood, upon their Corporal Oaths, which prices being paid or secured to be paid, shall in such cases be final and Determinative, and forasmuch as Divers Complaints have also been made to this Assembly, of Divers injuries and abuses which have been lately perpetrated and done by persons imployed to impress necessaries for publick occasions, and also divers complaints have been made, that of late divers persons have presumed to impress sloopes, Carts, Boats, Horses, *&c.* without lawful power so to do, to rectify and prevent the like abuses for the time to come; Be it further enacted by the Governour, Council, and Burgesses of this Grand Assembly, and the authority thereof; and it is hereby enacted, that from henceforth no person whatsoever shall presume to impress any sloop, Shallop, Boat, or other Vessel, Horses, Carts, Arms, Provisions goods or Merchandize whatsoever, without sufficient Warrant, and that such Warrant be shewed to such Person, from whom they are about to impress such Sloops, Boats, *&c.* and that whosoever shall by vertue of a Legal Warrant impress any Sloop, Boat, Shallop or Vessel, shall thereby have power to cause two men of the ablest of the Neighbourhood, to view and appraise such Vessel in the best of their Judgment, to the full vallue, and also to ascertain the vallue of the hire thereof, either by the day or by the Month, and that Instruments or Writings be drawn, intimating the vallue, and also the price of the hire by the day, or by the Month

*Two men of the Neighborhood shall value Timber to be impressed for publick Service in case the Owner be unreasonable in his demands.*

*Such as shall Impress sloopes, Shallops, Boats Horses, Carts, Arms, Provisions, &c. shall produce their Warrants for so doing, to the Owners thereof.*

*Things Impressed shall be appraised by two men of the Neighborhood.*

Month, of which a Duplicate to be drawn, the one of which to remain with the appraisers, and the other part with the Owner or Owners of such Sloop-Boat, *&c.* and such Owner to bring such Instrument or Writing to the next County-court, where if such Sloop Boat, *&c.* were imprest for the use of that County, then to be paid out of the County Levy, according to the Tenor of the Writing or Instrument, but if the same were impressed for the use of the Publick, then the County-court is to return Certificate of such writing or Instrument, to the next Assembly, where Satisfaction shall be made according to the Tenor of the said writing or Instrument, but if it shall happen that such Sloop Boat, *&c.* shall be cast away, or lost in the Service, that then the Owner of such Sloop Boat, Vessel, Horses, *&c.* shall be at his choice whether he will have the vallue according to appraisement, or the wages ascertained in the writing, which the publick or County must see punctually paid; and if it shall happen that the publick or County shall have occasion to impress Provisions of what Nature or kind soever, the impressor is likewise impowered to cause two men of the ablest of the Neighbourhood, to appraise the same, and return a note, Certifying the quantity and price to the next County-court, where if imprest for the Counties use, to be paid out of the County Levy, and if for the publick use, the County-court to return an account thereof to the next Assembly, where full Satisfaction shall be made according to the appraisement, and if the County or Publick shall impress any man, that he be paid if betwixt the tenth of *September*, and the tenth of *March*, ten pounds of Tobacco *per* day, and if betwixt the tenth of *March* and the tenth of *September*, fifteen pounds of *Tobacco per* day, for the first ten days, and if he shall be continued in such Imployment more then ten days at a time, then for all such time as he shall serve above ten days between *September* and *March*, after the rate of two hundred pounds of *Tobacco per* Month, and betwixt *March* and *September*, after the rate of three hundred pound of *Tobacco per* Month, and if any Horse or Horses be imprest by the publick or County, the Owner or Owners of such Horses, shall receive fifteen pounds of *Tobacco per* day for the first Twenty days, and if he be continued longer then twenty days, then for all the time he shall be imployed over and above the twenty dayes, after the rate of ten pounds of *Tobacco per* day, and before the Impressor shall take such Horse or Horses, impress away, he shall

*And the wages for the hire thereof ascertained.*

*Wages allowed to men, impressed for the County, or publick Service.*

*Rates allowed for Horses impressed.*

ſhall firſt bring two able honeſt men of the Neighbourhood to appraiſe the ſaid Horſe or Horſes, and a writing ſhall be drawn and ſigned, intimating the vallue, and if ſuch Horſe or Horſes be killed in the Service, or otherways loſt, it ſhall be at the choice of the Owner of ſuch Horſe or Horſes, to receive the vallue as appraiſed or the wages for hire, if for the uſe of the County, to be paid by the County, if for the uſe of the publick, to be punctually paid upon returning Certificate from the County-court, as in caſe of Sloops, and in caſe any perſon or perſons ſhall notwithſtanding this Law preſume to impreſs and carry away any Sloop-Boat or other Veſſel, or any Cart, Horſe, Arms, Proviſions or any other matter or thing whatſoever, contrary to the true intent and meaning thereof, ſhall be fined and amerced double the vallue of any ſuch Sloop-Boat, *&c.* Horſes, Arms, Proviſions, or any other matter or thing ſo by him Impreſſed, and taken away to the uſe of the Owner or Owners of ſuch Goods to be recovered by Action of Treſpaſs, in any Court of Judicature in this Colony.

## IX.

## An Act *for setling the Form of Pattents.*

Revised

MR. Secretary *Ludwell,* having presented a new *Form* of a Patent, exactly agreeing with the new and late Charter, under the Broad Seal of *England,* in these following words: *To all to whom,* &c. I, &c. send, &c. *Whereas His Most Sacred Majesty hath been graciously pleased by his Royal Letters, Patents, under the Great Seal of* England; *bearing Date at* VVestminster, *the tenth day of* October, *in the twenty eighth year of his Reign, amongst other things in his said Letters, Patents, contained to continue and confirm the Antient Priviledges and Power of granting fifty Acres of Land for every person imported into this his Majesties Colony of* Virginia, *now know ye, that I the said,* &c. *do with the consent of the Council of State, accordingly give and grant unto* A. B. &c. Be it Enacted by the Governour, Council and Burgesses of this Grand Assembly, and the Authority thereof, and it is hereby Enacted, That all Patents shall be drawn henceforward in the abovesaid Form and words, to the end they may be firm, sure and valid in Law.

# X.

## An Act ascertaining Coroners-Fees.

FOr as much as some doubts have arisen concerning Coroners-*Fees*, in this Colony, and it being necessary to declare by a Law what the same shall be; Be it therefore Enacted, by the Governour, Council and Burgesses of this present Grand Assembly, and the Authority thereof, and it is hereby Enacted, that a *Fee* for a *Coroners Inquest* be thirteen shillings and four-pence, according to the allowance in *England*, in such Cases, or one hundred thirty three pounds of *Tobacco*, and Cask, at the choice of the Coroners, to be paid out of the Estate of the person Deceased, if such there be, and for want of such Estate by the County where the Party causing the Inquest shall dye, and where there is no Coroner in the County, that the Justice of Peace doing the Office shall have the Fee.

*Thirteen shillings and four-pence or 30 and one hundred three pounds of Tobacco the Coroners Fee.*

*In Counties where there is no Corner, a Justice of Peace shall perform his Office, and receive the Fee aforesaid.*

XI. An

## XI.

## An Act declaring the year 1676. to be out of the Statute of Limitations.

FOr as much as by reason of the late unhappy Rebellion all Judicial Proceedings were impeaded and hindred for the greatest part of the last year, being the year of our Lord, 1676. Be it Enacted by the Governour, Council and Burgesses of this Present Grand Assembly, and the Authority thereof, and it is hereby Enacted, That the year 1676. shall not be accounted as one year, included and meant in the Statute of Limitations for Payment or Demand of Debts due by Bill, Bond or Judgment, or in the Clause and Proviso of Patents for Seating of Lands, but that in those and such-like Cases, the said year of our Lord be passed by, and not accounted of for one of those years therein or thereby meant and mentioned.

# XII.

Obsolete

## An Act for Signing Executions on Judgments in the Assembly.

IT having been proposed in this Assembly, how and by whom Executions issuing upon Judgments granted by the Grand Assembly, shall issue and be signed, Be it Enacted by the Governour, Council and Burgesses of this Present Grand Assembly, and the Authority thereof, and it is hereby Enacted, That all Executions issuing upon Judgments granted by the Grand Assembly, shall be written and drawn by the Clerk of the Assembly, and signed only by the Right Honourable the Governour; his Hononr being the Head of the Grand Assembly.

*Executions on Judgments granted by the Assembly, shall be drawn by the Clerk and signed by the Honourable Governonr.*

## *At a* Grand Assembly *begun at* JAMES *CITY, the* 25*th of* April, Anno 1679.

# I.

## *An Act for the Defence of the Countrey against the Incursions of the* Indian-Enemy.

WHereas this Grand Assembly have taken into sad and serious consideration the sundry Murders, Rapines, and many Depredations lately committed and done by *Indians* on the Inhabitants of the Countrey, and the great danger the Frontier-Counties are exposed to by the frequent incursions of *Indians*; For prevention whereof, and for the future security of the Country, Be it Enacted by the Governour, Council and Burgesses of this present Grand Assembly, and the Authority thereof, and it is hereby Enacted, That four Houses for Stores or Garrisons be Erected and Built at the heads of the four great Rivers, *viz.* At the head of *Potomack-River*, at *Niapsco* near *Occoquan*, one store-house to be strongly built, and well covered to be sixty foot long, and Twenty foot broad, and one small house of ten-foot square, strongly built for

*Four houses for Stores and Garrisons ordered to be built at the publick charge*

*Places where.*

*The Dimensions thereof.*

Ammunition, both which to be built and paid for at the Publick Charge, and that Major *Isaack Allerton*, Collonel *St. Legior Cod*, and Collonel *George Mason*, take upon them to provide the several necessaries hereafter mentioned, for the said work and houses, for which they shall be reimbursed by the Publick in the Respective Counties where they live, that is to say eight thousand eight-penny-nails, five thousand ten-penny-Nails, four thousand Twenty-penny-Nails, four Iron-pots, of about eight gallons each, with Pot-hooks, four Iron-Pestles, two Hair-Cifters course, twelve *Milk-Trays*, six Spades, two Cross-cut-Saws, six VVedges, two broad Axes, six falling Axes, six *Hilling-Hoes*, two drawing knives, two Hand-Saws, one Grindstone, one Froe, two Hammers, six Gimblets, two Augers, one of an inch, one of an inch and half, two Files one Adz, two Frying Pans, two Stock-locks, ten bushels of Salt, and four washing-tubbs. At the head of *Rappahannack-River*, one Store-house or Garrison, with a small House, both of the demensions afore mentioned, and that Major *Lawrence-Smith* do procure the several necessaries above mentioned, for which he shall be allowed by the Publick in *Tobaccoes* in *Glocester-County*, at the rate of Ten Shillings *Per* Hundred with *Cask*. At the head of *Mattapony* at or above the *Indian* Towns, one Store-house or Garrison, with a small house for Ammunition of the demensions aforesaid, and that Captain *Richard Johnson* do procure and provide the several necessaries above mentioned, for which he shall be allowed by the Publick, in *Tobaccoes*, to be paid in *New-Kent-County*, at the rate of ten shillings *per* hundred with Cask. At the head of *James* River on the south-side, above Captain *William Birds*, one Store-house or Garrison, with a small house for Ammunition of like demensions aforesaid, and that Captain *William Bird* do procure and provide the several necessaries before mentioned, for which he shall be paid by the Publick in *Henrico-County*.

*Necessaries to be provided for the said Store-houses, and the persons appointed to procure the same.*

And be it further Enacted, by this Present Grand Assembly, and the Authority thereof, and it is hereby Enacted, That every Forty Tythables within this Colony, be assessed and oblieged to fit, and set forth one able and sufficient man, and horse, with furniture well and compleatly Armed, with a Case of good Pistols, and Carabine or short Gun, and a Sword, together with two pound of Powder, and ten pounds of Leaden Bullet or high Swan Shot; and also that each Respective Forty Tythables do provide and send up to the said Store-

*Every Forty Tythable shall be assessed to fit and set forth one Horse-man well Armed.*

Store-houses, five bushels of shell'd *Indian-Corn*, and two bushels of Meal, eighty pounds of good well salted Pork, or one hundred pounds of good well salted Beef for four Months provision for such man, and his Horse, and so to supply him four months punctually.

*The Provision to be allow'd such Man and his Horse for four Months.*

And be it further Enacted by this Present Grand Assembly, and the Authority thereof, and it is hereby Enacted, that immediately after the Publication of this Law, the several Justices, and *Militia* Officers of each County do Assemble themselves at some convenient place, and consider of, proportion, and divide the Respective Tythables of their County into Fortyes, which Forty Tythables so by them divided and appointed to find a Man, Horse, Arms, Ammunition and Provision as is before expressed, shall either refuse, neglect or be uncapable to fit out such Man and Horse Arms, Provision and Ammunition, in manner aforesaid, that then the Justices and *Militia*-Officers of the said County do, and they are hereby impowered to impress Man and Horse, with Arms, Ammunition and Provision as is beforesaid, and send them to the said Store-house or Garrison, and asses the said Delinquent Tythables the whole Charge thereof, & cause the same to be Levied and paid, where the same shall be Due.

*The Militia-Officers of each County, to Proportion a Division of the Tythables in their said Counties.*

And be it further Enacted by this Present *Grand Assembly*, and the Authority thereof, and it is hereby Enacted, that the Pay of each private Souldier or Trooper for his personal service shall be after the Rate of two hundred pounds of *Tobacco* and *Cask per* Month, and so proportionabley for a greater or lesser time, and for a Horse eighty pounds of *Tobacco* and Cask *Per* Month, and so proportionably for a greater or lesser time; and if after the proportioning the Tythables of each or any County into Forties and less number shall remain, such *Tythables* shall be assessed by the Justices proportionably to the rest, to help to defray the whole Charge.

*Private Soldiers Pay.*

And be it further Enacted by the Authority aforesaid, and it is hereby Enacted, that whensoever it shall happen that any one or more such Soldier or Soldiers so fitted out as aforesaid, shall dye, or become unable or unfit for service, or if such Horse sent to such service as aforesaid, shall happen to dye, be killed lost or disabled for service, or if any Arms so fitted, and sent out shall be lost, broken, spoiled or become unserviceable, and that the Forty *Tythables* to whom they or any of them appertained, shall be delinquent in fitting and sending out other in their stead, that then in such case the Respective Justices and *Militia*-Officers shall impress

*Horses dying or being killed or disabled in service, the Justices and Militia-Officers may impress others in their Room.*

preſs, and are hereby impowered to impreſs others in their Room; but if ſuch Horſe ſhall dye or be killed in the Country ſervice, and good Certificate be made thereof by the Commander in Chief of the *Garriſon* to which he belonged, to the Aſſembly, or that ſuch Arms as are loſt and broken, were loſt & broken in the ſervice, & not by neglect or fault of the Souldier to whom they belonged; and then ſuch Horſes or Arms ſhall be paid for by the Publick, according to the Certificate of the Chief Commander; but in caſe any Soldier ſhall wilfully or careleſly ſpoil his Horſe, or kill or loſe him, or ſpoil loſe or imbezil his Arms, in ſuch caſe ſuch Souldier ſhall be lyable, & he is hereby made lyable to make full ſatisfaction for the ſame to the ſaid Forty Tythables, who fitted the ſame out.

And be it further Enacted by the Authority thereof, and it is hereby Enacted, that in caſe any Souldier, Horſe or Arms fitted out and ſent by any Reſpective number of Tythables ſhall by the Juſtices and *Militia*-Officers, be judged unfit for ſuch ſervices, that then in ſuch caſe the ſaid Juſtices and *Militia*-Officers do return ſuch man Horſe or Arms, and immediately impreſs others in their Room, and aſſeſs the Pay and Coſt to whom the other belonged, or by whom they were ſent out,

And be it further Enacted by this Preſent Grand Aſſembly, and the Authority thereof, and it is hereby Enacted, that foraſmuch as the preſent neceſſity of the times require able and prudent Commanders, who have both Courage and good conduct, that a Captains Pay be Twelve hundred Pounds of *Tobacco* and *Cask*, *Per* Month, he finding himſelf Horſe, Arms, Proviſion, *&c.* and that one of the Liſted Souldiers which he ſhall make choice of, do wait and attend him, that a Lieutenants pay be 850*l.* of *Tobacco* and Cask *Per* Month the Cornets pay 600*l.* of *Tobacco* and Cask *Per* Month, the Chirurgeons Pay 850*l.* of *Tobacco* and Cask, *Per* Month; each of thoſe Reſpective Officers finding themſelves horſes, arms, ammunition and Proviſion, and if any of the ſaid Officers, ſhall loſe or have any of their horſes killed in the ſervice, that in ſuch caſe ſuch horſes ſo loſt, or killed to be paid for by the Publick.

*A Captains pay to be 1200 l. of Tobacco and Cask per Month.*

*The Lieutenants pay 850 l. of Tobacco and Cask per Month.*

*The Cornets and Chirurgions Pay.*

And be it further Enacted by this Preſent *Grand Aſſembly*, and the *Authority* thereof, and it is hereby Enacted that a box of Medicines be bought or impreſt by the Commander in Chief of each *Garriſon*, to the vallue of five Pounds ſterling, ot thereabouts, not exceeding the ſaid ſum, for the

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use of the *Garrisons*, and the Payment thereof, such Captain drawing a note upon the next Collector of two Shillings *per Hogshead*, to be by him paid and allowed to him in the publick account.

And be it further Enacted by the Authority aforesaid, and it is hereby enacted, that a Corporals pay and a Trumpeters pay be fifty pounds of *Tobacco per* Month, over and above a private Souldiers pay, which Overplus pay of fifty *per* Month, together with other Officers pay before mentioned, shall be paid and defrayed by the publick. *Corporals and Trumpeters pay.*

And whereas divers Counties who are to send Provisions *&c.* to the Respective *Garrisons*, lye far Remote from the said *Garrisons*, it is hereby Enacted that the Justices and Militia-Officers of such Counties take care to send up their Provisions and ammunition with the best Convenience, and greatest Security, which charge shall be paid for and defrayed by the publick.

*And* be it further Enacted by this present Grand *Assembly*, and the authority thereof, and it is hereby enacted, that the Souldiers to be raised in each Respective County, by vertue of this *Act*, are forthwith with all possible convenience to be raised, and are to Repair to the several *Garrisons*, and to be upon the place on the Twentieth day of *June* next at furthest, and if possible sooner; and that each Respective County send their Proportions of men as is hereafter set down and expressed, *viz. Henrico* County, Northside of *Charles-City* County, *Warrick* County, *Elizabeth-City* County, *James-City* County, together with four Souldiers from *Lower Norfolk* County, four from *Nanzemund*, four from the Isle of *Wight*, three from *Surrey*, and two from the South-side of *Charles-City County*, be sent to the *Garrison* at the head of *James-River*, *New-Kent* County, *York* County, and one 3d. part of *Glocester* County Souldiers be sent to the *Garrison* at the head of *Mattopony*, *Middlesex County*, *Rapahannack County*, and two third parts of *Glocester County*, Souldiers be sent to the *Garrison* at the head of *Rapahannack* River, *Stafford*, *Westmerland*, *Northumberland*, & *Lancaster County Souldiers* to be sent to *Potomack Garrison*, *Lower Norfolk*, *Nanzemund*, Isle of *Wight*, *Surrey*, and the South-side of *Charles City Counties*, Souldiers to be Rangers for the Security of their Respective Counties, according to such Orders and Directions as shall be agreed upon, and made by their Militia-Officers. *The proportions of men which the several Countyes shall send to the Garrisons.*

And be it further Enacted by this present Grand Assembly, and the Authority thereof, and it is hereby Enacted, that for the ease of publick charge, each Respective Souldier be and he is hereby enjoyned to be Assistant, by all convenient and possible wayes for the securing themselves, and building the Guard House, and Store-house or Houses, that is to say, in falling, malling or doing any other matter or thing requisite or necessary, and also in fencing to make Pasture to secure their Horses, *&c.*

*Each Garrison shall be supplyed with a good Boat and Oars*

And be it also further Enacted by this present Grand Assembly and the Authority thereof, and it is hereby enacted, that each Garrison be supplyed with a good Boat and Oars, such as may be sufficent to pass over at least three or four Horses at a time, and that the Commander in chief of each Respective Garrison be, and he is hereby enabled to procure and bargain for such Boats and Oares, to be accordingly paid for, by the publick upon his Certificate of the price thereof, a Boat and Oares for *Mattapony Garison*, being already promised to be provided by Colonel *John West.*

*Four of the Neighbouring Indians to each Garrison shall attend there.*

And be it further enacted by this present Grand Assembly, and the Authority thereof, and it is hereby enacted, that four of the Neighbouring *Indians* to each *Garrison* shall be commanded by the Commander in chief thereof, to be alwayes attending at each *Garrison*; and because there is no Neighbour *Indians* on *Virginia* side, residing near the *Garison* in *Potomack* River, the Commander in chief of that *Garrison*, is hereby impowered and requested to hire four of the *Matteoman-Indians* in *Mary Land*, for the service of that *Garrison.*

And to avoid all mistakes and harms that may ensue by being unacquainted with our Neighbour and Friendly *Indians*, and to the end we may the better know them from our enemies in our Ranging and Marches, be it enacted by this present Grand Assembly, and the Authority thereof, That all and every *Indian* Town have speedy notice, that if at any time any of them, or any of their Friends that may Repair to their Towns, shall happen to meet with any of our Souldiers ranging in the Woods, or shall come near any of our Plantations or People, in any place or places whatsoever, that they must not fly, hide themselves, or make any Opposition, and that if they do, they may be proceeded against with all manner of Hostility as enemies; but if they shall stand peaceably, and discourse the *English*, and give true account who and what they are, and upon their near approaches

approaches lay down their Arms, that then they ſhall be civilly treated, and no harm ſhall be done or offered to them.

And foraſmuch as the ſaid *Garriſons* may not be at any time left deſtitute of ſufficient defence againſt any enemy that ſhall or may attempt the ſame; Be it enacted, that ten long Guns or Muskets be provided, with one Barrel of Gunpowder, and leaden ſhot or Bullet, proportionable thereto, for each *Garriſon*, to be kept in the Store-houſe belonging to it, for a Reſerve and Defence for the ſame; and that the charge of ſuch Armes, powder, or bullet, if the ſame cannot be procured from his Majeſties ſtore, be paid for and defrayed by the Publick.

*Ammunition to be kept in the Garriſons for ſtore.*

And to the end that the Eaſtern Shore may not be altogether left without defence againſt the enemy, if any ſhall attempt thereon, or any Suſpition of ſuch attempts ſhall ariſe among the Inhabitants there, be it enacted by this preſent Grand Aſſembly and the Authority thereof, and it is hereby enacted, that the Inhabitants on the Eaſtern Shore may have, and it is hereby declared, that they have the ſame Liberty to make *Garriſons*, and raiſe Souldiers in manner and form as is allowed to the ſeveral Counties on the Weſtern Shoar, or to raiſe or imploy their Souldiers in Ranging, as they find Occaſion.

And be it further enacted, by this preſent Grand *Aſſembly* and the Authority thereof, and it is hereby Enacted, that the ſeveral Aſſociations on the South ſide *James*-River ſhall and may, as they ſee Occaſion, erect like Houſes and *Garriſons*, as is at the heads of the other great Rivers towards which they ſhall be equally allowed by the publick, with the other *Garriſons* before mentioned, and ſuch Officers as are imployed in ranging either on the Eaſtern Shore, on the South-ſide of *James*-River, to be paid for the time of their Service by the Publick, equally with other Officers at the *Garriſons*.

And for the better Encouragement and more orderly Government of the Souldiers, that what *Indian*-Priſoners or Plunders ſhall be taken in War, ſhall be free purchaſe to the Souldier taking the ſame; and where any difference ſhall happen among the Souldiers in ſuch or like matters, the ſame to be adjudged, decided, and determined, by their Reſpective chief Commander, and all ſuch Souldiers as ſhall be maimed or diſabled in the Service, have an annual Penſion allowed

*What Indian Priſoners, or plunder the ſoldiers take ſhall be free purchaſe.*

*Souldiers maimed or disabled in Service shall have an Annual pension.*

allowed them by the Publick at the Discretion of the Assembly, and that the Articles of War be published and practiced, as is directed in the Act of Assembly, made in the year 1675.

# II.

## *An* Additional Act *for the better Preventing stealing of* Hogs.

WHereas notwithstanding the former Law against Hog-stealing, the same is dayly practised to the great damage of the Inhabitants of this Countrey, for prevention whereof, Be it enacted by the Governour, Council, and Burgesses of this Grand Assembly, and the Authority thereof, and it is hereby enacted, that this following Addition be made to the former Law, *viz.* That for the first Offence of Hog-stealing, whereof any person shall be convict, the party shall be adjudged according to the said Law, and if any Person having been once Convict of Hog-stealing, shall a second time be convict thereof, then for such his default he shall stand two hours in the Pillory, and have both his ears nailed thereto, and at the Expiration of the said two hours, have his Ears cut loose from the Nailes, which Penalty and Punishment shall be adjudged and inflicted against and upon the Offendor by any County-court in *Virginia*, any Law to the contrary notwithstanding, and whosoever shall be taken a third time stealing of Hogs, that then he be tryed by the Laws of *England*, as in case of Felony.

*Persons the second time convict of stealing Hogs, shall stand in the Pillory with their Ears nailed thereto.*

*And the third time shall be prosecuted as Felons.*

*An*

# III.

## *An Additional and Declaratory Law, Impowering* County-Courts *to make* By-Laws.

Rep by Statute 1685

VVHereas there is great neceſſities oftentimes of particular Counties to make By-Laws proper only to themſelves, and the former Act of Aſſembly to that purpoſe being too general, and conſequently not ſo eaſy to be put in practice: Be it therefore Enacted by the Governour, Council, and Burgeſs of this Grand Aſſembly, and the Authority thereof, and it is hereby Enacted, that for the future two men be made choice of, in each Pariſh by the Major Votes of the Freeholders and Houſekeepers in the ſaid Pariſh; At ſuch time and place as by the County-courts ſhall be appointed, which two ſo choſen as aforeſaid ſhall be Returned by the Church Wardens, and ſhall ſit in the ſeveral County-Courts, and have their equal Votes with the ſeveral Juſtices for the making of By-Laws, and where the County ſhall conſiſt of one Pariſh only, there four men ſhall be choſen, and Returned in manner as aforeſaid, and ſhall have equal Votes with the ſeveral Juſtices for the making By-Laws, and all ſuch By-Laws ſo made, ſhall be firm and binding to the Inhabitants of ſuch County any Law uſuage or Cuſtom to the contrary notwithſtanding, and for as much as divers great Pariſhes have in

*Two men ſhall be choſen in each Pariſh by the Freeholders and Houſe-keepers, to ſit with the Juſtices in County-Courts, for making of By-Laws.*

*Inhabitants of the County ſhall obey the By-Laws thereof.*

them ſeveral Chappels of eaſe, Be it therefore Enacted by this Preſent Grand Aſſembly, and the authority thereof, and it is hereby Enacted, that the Inhabitants within the Precincts of every ſuch Chappel of eaſe, may elect one Repreſentative for every ſuch Chappel, to ſit and vote with the Juſtices, in making ſuch By-Laws as aforeſaid, the time and place for ſuch Election to be alſo appointed by the County-courts.

IV.

## An Act *declaring how far* Accounts *are Pleadable against* Dead Mens Eſtates.

WHereas the 95th Act of Aſſembly in the Printed Laws making no Accounts pleadable againſt Dead Mens Eſtates, is found too ſevere, and that many Executors and Adminiſtrators of Dead mens Wills and Eſtates, have had and taken too great an advantage thereby, to the Defrauding and great Prejudice of many Creditors to ſuch Eſtates, for prevention whereof for the time to come, and to the end all juſt debts may be recovered againſt the Debtors Eſtate : Be it Enacted by the Governour, Council and Burgeſſes of this Grand Aſſembly, and the authority thereof, and it is hereby enacted, that from henceforward all accounts brought againſt a Dead Mans Eſtate for any Debt made and Contracted within one year before the Parties Death, but no longer ſhall be pleadable, and recoverable againſt

gainst the Debtors estate, and for no longer time, without prescription, if the party in Debt shall after contracting such Debt, remove or abscond himself from the County where he lived, at contracting the same. Provided always, that all such accounts and claims as shall be brought against a dead mans estate, be fairly proved in Court by the Oath of the Creditor, and one Witness more, and that the party claiming and Suing for such Debt do himself appear, and in open Court make Oath upon the Holy *Evangelist*, that the same is really due, without any discount to be made, or Credit to be given that he knows of.

*No Debts pleadable against dead mens Estates, but such as were contracted within one year before their decease.*

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## V.

## An Act *Repealing the 129th Act of Assembly, in the Printed Book.*

WHereas the 129th *Act* of *Assembly* in the Printed Book of Laws, enjoyning the Inhabitants on *Potomack River*, and on the eastern shore, not to make delivery of their *Tobaccoes* by them sold or paid away without certificate from the collector, that the impost is paid thereof to him under the Penalty of Twenty Shillings for every Hogshead, by them suffered to be taken out of their Possession, is found grievous to the said Inhabitants, all other the Inhabitants of *Virginia*, being at their Liberty to sell,

ſell, and deliver their own *Tobaccoes* to the beſt advantage, Be it enacted by this preſent Grand Aſſembly, and the authority thereof, and it is hereby enacted, that the ſaid 129th Act of Aſſembly be and from henceforth ſtand Repealed, and that the Inhabitants on *Potomack River*, and on the Eaſtern Shore have like and equal Liberty and Priviledge with the reſt his Majeſties Subjects in this Colony, to ſell, diſpoſe, pay, and make Delivery of their *Tobacco* to their beſt advantage and Convenience.

*The Act Prohibiting the Inhabitants on Potomach River, and on the Eſtern Shoar to Ship their Tobaccoes without Certificate Repealed*

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## VI.

## An Act *Aſcertaining Collectors Fees for entry and clearing Ships, &c.*

WHereas ſeveral Complaints have been made, to this preſent Grand Aſſembly, that ſeveral Collectors in this Colony have exacted, and taken great and unreaſonable Fees, for entring and clearing Ships and ſmaller Veſſels, trading into this Countrey, which if permitted and continued, might prove prejudicial to trade; for prevention whereof for the future, Be it enacted by this preſent Grand Aſſembly, and the Authority thereof, and it is hereby enacted, that from hence forward, no Collector

Collector or Collectors ſhall or may demand or take otherFees for entring and clearing of any Ship or Veſſel coming into this countrey, then by this Law is aſcertained and allowed to be taken, that is to ſay, for every Ship or ſmaller veſſel, Burthen twenty Tuns or under, fifteen Shillings and no more; and for every Ship and other veſſel burthen above Twenty Tuns, thirty Shillings and no more; which Sums ſhall be in full Payment of his Fees, for entring, clearing, Licence to Trade, and for taking ſuch Bonds as are by Law enjoyned to be given and taken at the entring and clearing of Ships and other veſſels Trading hither.

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## VII.

## An Act *for Securing* Orphans Eſtates.

WHereas the 66th Act of Aſſembly in the Printed Book Relating to Orphans Eſtates, is found too ſhort and deficient, and that by the neglect of the Courts in taking Security upon granting Orders for Adminiſtrations, great Prejudices have enſued and may enſue; For the better prevention thereof for the future, Be it Enacted, by this preſent Grand Aſſembly, and the Authority thereof, and it is hereby enacted, That before

any order for Adminiſtrations ſhall be granted to iſſue forth from the Office, ſo as Letters of Adminiſtration ſhall or may thereupon paſs, and be ſigned by the Juſtices, as by the Laws is directed and enjoyned, good ſecurity ſhall be taken for the Parties due Adminiſtration according to Law.

*Adminiſtrators of Orphans Eſtates ſhall give good ſecurity.*

And be it further Enacted, by this Preſent Grand Aſſembly, and the Authority thereof, and it is hereby Enacted, that all Juſtices ſitting in Court, whenſoever Adminiſtrations are ſued for and granted, and ſhall upon granting Order or Orders of Adminiſtration, neglect to make order for ſecurity as is before enjoyned to be taken, ſhall thereby, and for ſuch their neglect become lyable to make good ſuch Eſtate in caſe the ſame ſhall be imbezelled by ſuch Adminiſtrators. And it is alſo further Enacted, that all Juſtices of the Peace, ſtand enjoyned, and are hereby required before they ſign Letters of Adminiſtration, to demand Certificate from the Clerk, that ſecurity is given according to Law, and duly entred upon Record, to the end all Orphans, *&c.* may be ſecured in their Eſtates, and the Juſtices ſafe, in the due execution of their Office and Places.

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## VIII.

## An Act *prohibiting the Importation of Tobaccoes into this Colony.*

FOr as much as the Importation of *Tobaccoes* into this Colony from *Carolina*, and other Parts without the Capes, hath been found very prejudicial to this Country, and the In-

Inhabitants thereof; for prevention of like mischief, and inconvenience for the future, Be it Enacted by the Governour, Council and Burgesses of this Present Grand *Assembly*, and the *Authority* thereof, and it is hereby Enacted, that from and after the tenth day of *October* next after this present Sessions, no *Tobaccoes* packt in Cask or otherways, shall be brought from without the Capes of *Virginia* into this Colony, either in Boat, Sloop, or other Vessel whatsoever, to be Landed on shoar, sold or Shipped off in any Ship or other Vessel riding in this Colony, except only by such persons as shall make it appear, that they are Inhabitants of *Lower-Norfolk-County*, and that the Tobaccoes by them brought round the Capes, is of the growth of the said County, upon Penalty of Forfeiting all such Tobaccoes so brought into this Colony, contrary to the intent and meaning of this *Act*; one half of such Tobaccoes so forfeited to be to the use of the Kings Majesty, and the other half to be equally divided between the Informer and the Countrey.

Provided alwayes that it shall be lawful for any Merchant or other person inhabiting in this Country to fetch from *Carolina* commonly called the South, and bring hither all such Tobaccoes as are already due to him before the making this Law.

Provided also that such Merchant, or other Inhabitant of this Country, as shall pretend to have *Tobaccoes* due there, and expects liberty of importing the same into this Country, do within three months next after the Publication of this *Act*, repair to the Court in the County where he lives, and there make Oath upon the Holy Evangelists, what sums of *Tobacco* is due to him there, and that the same was due to him before the Publication of this Act, and cause the same to be entered upon Record, and further that such Merchant or other person residing in this Country, and having *Tobaccoes* due to him in *Carolina*, and claiming the benefit of this Law, to import the same into this Colony, shall and do immediately, and before he shall unload the same, either out of Boat, Sloop or other Vessel, bringing the same into this Country, repair to the next or nearest Collector of the impost of two Shillings *Per* Hogshead, and make entry with him of all such *Tobaccoes* as he shall bring in; and do also make Oath upon the Holy Evangelists before such Collector or other Magistrate whom he shall appoint, that such *Tobaccoes* so brought in, is such part of what *Tobaccoes* was due to him in Forreign Parts, before the making this *Act*, the total

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whereof he hath already ſignified to the County-Court where he reſides, according to the Injunctions of the Law.

## IX.

## An Act *forbidding* Mary-Land-Veſſels *Trading into this Countrey, without making Due Entry.*

WHereas by ſeveral Laws which long have been and now are of force in *Mary-Land*, all Ships, Sloops, Boats or other Veſſels, belonging to *Virgnia*, are enforced to make Entry with the Reſpective Collector, before they can be permitted to make delivery of any Goods, or take on Board any *Tobaccoes* to import hither, and conſequently to pay conſiderable ſums of money to ſuch Officer for ſuch Entry, though the Goods or Concern thither carried be of very ſmall vallue, which ſeverity this Aſſembly having taken into conſideration, do adjudg it very unneighbourly; Be it therefore Enacted, by the Governour, Council and Burgeſſes of this Preſent *Grand* Aſſembly, and the Authority thereof, and it is hereby Enacted, that no Ship, Sloop, Boat or other Veſſel belonging to any the Inhabitants of *Mary-land*, or coming from thence, ſhall from henceforth be permitted to bring in any manner of Goods or Commodities of what vallue ſoever, into any of the Rivers or Parts of this Government, and unload the ſame either on Board any other Veſſel, or on ſhoar, without firſt making due Entry thereof

thereof with the Collector of these Precincts, under the Penalty of forfeiting such Sloop, *Boat, &c.* or other Vessel, together with such Goods and Merchandizes as shall be so unloaden as aforesaid, the one half to the Informer, and the other half to the use of the Countey where the seizure is made, and the several Collectors are hereby earnestly required and enjoyned to take particular care in this matter, and this Law to stand in force, until the *Mary-Landers* shall repeal their severe Law before Nominated.

*No Vessel belonging to the Inhabitants of* Mary-Land, *shall unload in any Port of* Virginia *without Entry first made upon Penalty of forfeiture of the said Vessel and Cargo.*

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## *At a* General Assembly *begun at* JAMES *CITY the eighth day of* June, Anno 1680.

### I.

### An Act *of free and general Pardon, Indemnity and* Oblivion.

THE Kings Most Excellent Majesty, having taken into serious and gracious consideration, the present state and condition of his Colony of *Virginia*, and reflecting on the late Rebelion raised there by *Nathaniel Bacon* Junior Deceased, his Complices and Abettors, and how many of his good Subjects were drawn into the same, and seduced from their Allegiance by the specious pretences set forth by the said *Nathaniel Bacon*, who have since by their dutiful behaviour shewed themselves sensible thereof, and repenting for the same, and to the intent, that no Crime whatsoever committed against his said Majesty and Government, may hereafter

after rise in Judgment, or be brought in question against any of them, to their least endammagement, either in Lives, Liberties, Estates, or to the prejudice of their Reputations by any reproach, or term of distinction, and to turn all seeds of future discord and the remembrances thereof into utter oblivion, as well in his Majesties own Breast, as in the breast of his Majesties Subjects one towards another, and out of an earnest desire to put an end to all suits, quarrels and controversies whatsoever, that by occasion of the said Rebellion, and late distractions, have arisen and may arise, between any of his Majesties Subjects, and in pursuance of his Majesties gracious Proclamation of Pardon, bearing date the twenty seventh day of *October*, 1676. and in the twenty eighth year of his Reign, is graciously pleased that it may be Enacted, and be it Enacted by the Kings most Excellent Majesty, by and with the consent of the General Assembly, that all manner of Treasons, Misprision of Treasons, Murders, Felonies, Crimes and Misdemenours committed, acted, councelled or done by any persons whatsoever, upon or at any time, before the sixteenth day of *January*, 1676. in the twenty eighth year of his Majesties Reign, other then the persons hereafter excepted, in such manner as they are excepted, by virtue or colour of any Command, Power, Authority, Warrant, Commission or Instructions from Sir *William Birkley* late Governour of *Virginia*, Deceased, or of or from any peson deriving, or pretending to derive mediately or immediately, any Commission, Power or Authority from the Grand Assembly in *Virginia*, held in *June*, 1676. or of or from *Nathaniel Bacon* Deceased, assuming unto himself the Authority of, or Reputed to be Commander in chief of all the Forces in *Virginia*, by Land or Sea, or from any other person or persons deriving or pretending to derive any *Authority* from them or either of them, be Pardoned, Released, Discharged and put in utter Oblivion, and that as firmly and fully to all intents and purposes, as if they or every of them, had been herein particularly named and expressed.

*Free and general Pardon for the Accomplices in* Bacons Rebellion.

And be it further Enacted by the *Authority* aforesaid, that all and every such person and persons, their and every of their Heirs, Executors and Administrators (except as hereafter excepted) that were actually engaged in Aiding, Acting or Advising, Assisting, Abetting or Councelling the said Rebellon, shall have and enjoy all and every their Lands, Tenements, Hereditaments, Goods and Chattels whatsoever forfeited to his Majesty, his Heirs and Successors for any

of

of the Crimes aforesaid, in the same manner, and as freely to all intents and purposes, as if they had not been forfeited, yet so that they and every of them and their Estates Real and personal shall be subject and lyable to pay all and singular their just Debts in the same manner as if they had committed no Rebellion, Crimes or Offences, except and always foreprized out of this Act, the above-named *Nathaniel Bacon* Jnnior, the principle contriver, beginner and maintainer of the said Rebellion, who having taken up Arms under pretence of an *Indian* War, assumed unto himself the Title of General, and did afterwards chace away the then Governour, there rob, kill, and continue to destroy several other of his Majesties Loyal Subjects, that refused to take the detestable Oaths imposed by the said *Bacon*, until it pleased the Almighty to send him the said *Bacon* an infamous and exemplary death, whereby he hath escaped the punishment in this world so justly due to his person; Be it therefore Enacted, and it is hereby Enacted by the Authority aforesaid, that the said *Nathaniel Bacon* Junior, shall be by vertue of this Act, and is hereby adjudged to be convicted, and attainted of High-Treason to all intents and purposes as if he had been convict or attainted thereof by due course of Law, in his life time, and that all the Estate Real and Personal whereof he was seized or possessedupon the fifth day of *June*, 1676. or at any time after, within the Colony of *Virginia*, shall be forfeited to the Kings Majesty, his Heirs and Successors, and is hereby declared to be vested in His Majesty, his Heirs and Successors, without any Office or Inquisition thereof, to be hereafter taken or found.

Nathaniel Bacon *Junior Attainted of High-Treason.*

Provided always, and be it Enacted, that this Act nor any thing therein contained, shall extend to Pardon discharge, or give any other benefit whatsoever, unto *Giles Bland*, *Anthony Arnold*, *Richard Turner*, *Richard Pomfrey*, *John Isles*, *Robert Stokes*, *John Whitson*, and *William Scarbrough*, alias *Scarburgh*, who were all legally Convicted Attainted and Executed for their Horrid Treasons, and Rebellions, or to *Richard Lawrence* who fired *James City* and is since fled notwithstanding his Majesties gracious Proclamation, but that the persons last aforesaid, and their Estates are out of this Act, wholly excepted and foreprized, Provided also and it is hereby Enacted by the Authority aforesaid, that if *Joseph Ingram*, *Gregory Walklate*, *Thomas Whaley*, *John Forth*, and *John Longolon*, shall at any time after the passing

*Persons excluded from the benefit of the Act of Indemnity.*

ſing this Act, accept or exerciſe any Office or Publick employment whatſoever, within the ſaid Colony of *Virginia*, that then ſuch of them as do ſo accept or exerciſe as aforeſaid, ſhall to all intents and purpoſes, ſtand as if he or they had been totally excepted by name out of this Act. And whereas many of his Majeſties Loyal Subjects cannot but be very great ſufferers by the Spoiles and Rapines committed during the late Rebellion, to the intent that they may have as much Relief therein, as may poſſibly ſtand with the quiet of the Country, as alſo for the avoiding and determining the endleſs Suits and Proſecutions which muſt neceſſarily enſue, if care be not taken to prevent the ſame; It is hereby further Enacted by the Authority aforeſaid, that as to any wrong or injury which hath been committed by any perſon or perſons at any time between the firſt day of *May* and the ſixteenth day of *January*, 1676. whereby the Goods or Commodities of any his Majeſties Subjects in *Virginia*, have been deſtroyed or ſpoiled, or have been impaired or made worſe and for which no Judgment hath been actually obtained, before the 25th day of *April* 1679. on the one and thirtieth year of his Majeſties Reign no account, ſuit, Proceſs or ſatisfaction be at any time hereafter required, proſecuted, made or given for the ſame, from or againſt any perſon or perſons whatſoever.

*Proviſion made for Relief of ſuch as were ſufferers by the late Rebellion.*

Provided always, that where the Goods of any of his Majeſties Subjects not actually engaged in the ſaid Rebellion, or being aiding or aſſiſting to the ſame, have been wrongfully taken away between the ſaid firſt day of *May*, and the ſaid ſixteenth day of *January*, and ſhall be found in the poſſeſſion of any other perſon or perſons, it ſhall and may be lawful, for the Owner or Owners of ſuch Goods or Commodities, his or their Executors or Adminiſtrators, to take, ſue for, and recover the ſame by all legal means, any thing in this Act contained, or any other Laws, Acts or Statutes to the contrary notwithſtanding.

Provided always, that no further Puniſhment, Satisfaction or Damages, ſhall be Recovered or Inflicted on any Chriſtian Servants that have deſerted their Maſters, or been active in the late Rebellion; then that time incurring between the ſaid firſt day of *May*, and the ſaid ſixteenth day of *January*, ſhall be accounted no part of their time of Service: And be it further Enacted by the authority aforeſaid, that no Verdict, Judgment and Indictment, Informations, Decrees, Sentences, Probats of Wills, Adminiſtrations,

ſtrations, Writs, or Actings on, or return of Writs, Orders, or other Proceedings whatſoever in Law and Equity, had, made, given, taken, or done, or depending in any Courts whatſoever, or before any Judges within the ſaid Colony of *Virginia*, nor any Actings, Proceſs, Proceedings or Executions thereupon had, made, given, done, or ſuffered, before the paſſing of this Act, within our ſaid Colony, ſhall be avoided, for or by Reaſon that the Premiſſes or any of them were commenced, proſecuted, had, made, held or done, by or before any Perſon, pretending and aſſuming the Name Title, Authority, and Dignity of Governour of the ſaid Colony, though he were not legally ſo, or before any Perſon or Perſons, pretending and aſſuming the name Title, and Authority of Councellors in the ſaid Colony, though not legally ſo, but that all and every ſuch Verdicts, Judgments, and other things above mentioned, and the actings, doings, and Proceedings thereupon, ſhall be of ſuch and of no other Force, Effect, and vallue, then as if ſuch Perſon ſo Aſſuming the name Title, Authority and Dignity of Governour, had been legally Commiſſioned by his Majeſty thereunto, and as if ſuch Perſon or Perſons pretending the name, Title, and authority of Councellor there, had been legally authorized thereunto. And whereas during the Licentiouſneſs of the late times, ſeveral ill diſpoſed Perſons took upon them to aſperſe the Government, and defame the Governour and chief Magiſtrates of the ſaid Colony, raiſing falſe and Scandalous Reports, without which our good Subjects there could not have been ſo eaſily led away, which cannot but tend to the future Diſturbance of the Peace, and Welfare thereof, if not timely prevented by Inflicting Puniſhments proportionate to the greatneſs of the Crime; Be it therefore enacted by the authority aforeſaid, that whoſoever ſhall after the paſſing of this Act, maliciouſly and adviſedly by writing, ſpeaking, or otherwiſe, expreſs, publiſh, utter or declare, any Words, Sentences, or other thing or things, to incite or ſtir up the People to the diſlike of any Perſon appointed by his Majeſty to be Governour or Commander in chief of the ſaid Colony, or tending to the diſhonour or defaming of the ſaid Governour or Commander in chief, for the time being, and being thereof legally convicted, ſhall be impriſoned during one year without Bail or Mainprize, and incur ſuch Forfeitures as ſhall be adjudged, not exceeding the ſum of five hundred pounds

*Any Perſon who ſhall either by words or writing defame the Governour, ſhall ſuffer a years Impriſonment without Bail, &c.*

pounds to the Kings most Excellent Majesty, his Heirs and Sucessors. And it is in like manner Enacted, that whosoever shall maliciously and advisedly, by writing, speaking, or otherwise, express, publish, utter and declare, any words, Sentences, or other things, to incite or stir up the People to the dislike of his Majesties Councellors, Judges, or other principal Officers within the said Colony, tending to the dishonour or defaming of the said Councellors, Judges, or other principal Officers, and being thereof Lawfully convicted, shall be imprisoned during three Months, without Baile or Mainprize, and incur such Forfeiture as shall be adjudged, not exceeding the sum of one hundred pounds, to the Kings most Excellent Majesty, his Heirs and Successors, any Act or Acts, Order or Orders, to the contrary in any wise notwithstanding.

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II. An

# II.

## *An Act for Naturalization.*

WHereas nothing can contribute more to the speedy setling and peopling of this his Majesties Colony of *Virginia*, then that all possible encouragement should be given to persons of different Nations, to Transport themselves hither with their Families and Stocks, for to settle, plant, or Reside, by investing them with all the Rights and Priviledges of any of his Majesties natural Free-born Subjects, within the said Colony; Be it therefore Enacted by the Kings most Excellent Majesty, by and with the consent of the General Assembly, and it is hereby Enacted by the authority aforesaid, that it shall and may be lawful for the Governour or Commander in chief, for the time being, or any of his Successors, Governours of this Colony, by a publick Instrument under the broad Seal thereof, to declare any Alien or Aliens, Forreigner or Forreigners being already setled, or Inhabitants of this his Majesties Colony, or such as shall hereafter come for to settle, plant, or reside in it, and having taken the Oath of Alleigance, before the Governour or commander in chief, for the time being, to be to all intents and purposes, fully and

*The Governor may naturalize such Forreigners as shall seat themselves in this Colony.*

and compleatly naturalized; and the ſaid Perſons ſo approved of and named in the ſaid Letters Pattents as aforeſaid, ſhall by vertue of this Act have and enjoy to them and their Heirs the ſame Immunities and Rights, of and unto the Laws and Priviledges of this Colony, and as fully and amply as any other of his Majeſties Natural born Subjects have or enjoy within the ſame, as if they themſelves had been born within any of his Majeſties Realms or Dominions; any former Law, Act, Ordinance, uſuage, or cuſtom to the contrary in any wiſe notwithſtanding. And to the intent the ſaid Letters Patent and inſtrument under the Broad Seal of this Colony as aforeſaid, may be obtained without any great difficulty or charge, be it further enacted, that the Governour or Commander in chief, ſhall have and receive for the ſame forty Shillings, and his Clerk for writing of it, ten Shillings, and no more; and whereas ſeveral Aliens and Forreigners that have formerly tranſported themſelves to this his Majeſties Colony, and have taken up and Patented in their own Name, ſeveral Parcels of Land, or otherwiſe made purchaſe of Lands, Houſes, Tenements or other real intereſt, and have afterwards ſold the ſame to ſome of his Majeſties Leige People, or Inhabitants of this Colony; It is therefore hereby Enacted and Ordained, by the authority aforeſaid, that all ſuch perſon or perſons, that ſhall have ſo bought of any Alien or Aliens, any Lands, Houſes, or Tenements, be ſecured, and by vertue of this preſent Act for ever confirmed in the quiet and peaceable Poſſeſſion of the ſaid Purchaſes, unto them and their Heirs for ever, any former Law, Uſuage, or Cuſtom, to the contrary in any wiſe notwithſtanding.

Provided that nothing in this Act contained, ſhall be conſtrued to enable or give power or Priviledge to any Forreigner to do or execute any matter or thing, which by any of the Acts made in *England*, concerning his Majeſties Plantations he is diſabled to do or execute.

III.

## An Act *for raising a Publick Revenue for the better* Support *of the* Government, *of this his Majesties Colony of* Virginia.

WHereas there is a great and continual charge Required for the Maintenance of the Governour, and ſeveral other Officers and Perſons, as alſo for the Fort and Fortifications, beſides many other contingent expences, abſolutely neceſſary for the Support of the Government of this Colony; Be it therefore enacted, and it is hereby enacted by the Kings moſt Excellent Majeſty, by and with the conſent of the General Aſſembly, that for every Hogſhead of *Tobacco*, that ſhall at any time hereafter be exported out of this Colony, by Land or water, to any other place whatſoever, there ſhall be paid by the Exporter two Shillings of currant money of *England*, as alſo for every five hundred pounds of *Tobacco* exported in Bulk or otherwiſe, and ſo proportionable for a greater or leſſer quantity, the ſame to be to the Kings moſt Excellent Majeſty,

*Two Shillings to be paid for every Hogſhead of Tobacco exported.*

Majesty, his Heirs and Successors for ever, to and for the better Support of the Government, of this his Majesties Colony of *Virginia*, in such manner as is herein before exprest, and to and for no other use, intent, and purpose whatsoever. And be it further Enacted by the Authority aforesaid, that all Ships or vessels whatsoever, coming to this Colony, or any part thereof, shall Respectively pay for every Tun, such Ships or vessel shall contain, one half pound of good and new Gunpowder, and three pounds of Leaden Shot, or one Shilling three pence Sterling in lieu thereof, as also Sixpence *per Poll* for every person imported, not being actually a Marriner in pay, the same to be also to the Kings most Excellent Majesty, his Heirs and Successors for ever, for the better support of the Government of this his Majesties Colony of *Virginia*, in such manner as is herein before expressed, and to and for no other use, intent, or purpose whatsoever.

*All Ships or Vessels whatever coming to this Colony shall pay ½ al. of Powder and 3 l. of Shot, or 1s. 3d. money, in Lieu thereof.*

And for the better discovery and preventing of Frauds, Be it further Enacted by the Authority aforesaid, that the Master of every Ship or Vessel, shall deliver his Boatswains Book to the perusal of the Respective Collectors, and make Oath of the truth thereof, to the best of his knowledg, and that the Mate, Boatswain, Seamen, or other persons be also sworn if there be cause, for the discovery of the truth of the freight; and if any Master shall wittingly or willingly conceal any part of his Freight, or make false entry of the burthen of his Ship or Vessel, or number of persons imported as aforesaid, that then the said Master shall forfeit for every such Offence the sum of One Hundred Pounds Sterling, as also the treble duties for every Hogshead, or five hundred pounds of *Tobacco*, and for every Tun concealed; one Moitie to the Informer, and the other Moitie to the Kings most Excellent Majesty, his Heirs and Successors, to and for the uses above mentioned, and to be recovered by action of Debt, Bill or Plaint, by virtue of this Act, against which no essoing, wager of Law, or protection to be allowed to any person so offending.

*Sixpence per Poll payable for all Persons imported, Marriners excepted.*

And it is hereby further Enacted by the Authority aforesaid, that the Respective master of every Ship and Vessel, shall enter into a Bond of Twenty Pounds *Sterling* to the Kings most Excellent Majesty, his Heirs and Successors, for the payment of the Duties of so many Hogsheads, or five hundred pounds of *Tobacco* as shall upon due Certificate appear to be entred in the Custom-house in *England*, more

than

than ſhall be entered and paid to the Reſpective Collectors, and other Officers in *Virginia*, unleſs the ſaid Collectors and Officers be fully ſatisfied of the true number of Hogſheads and Freight of the ſaid Ships and Veſſels; the ſaid Bond to be made without any Fee, and to be void to all intents, as if never made, if not put in ſuit, upon due Certificate to be procured by the Reſpective Collectors from the Cuſtom-houſe in *England* within one year from the making thereof, which ſaid Collectors and other Officers are hereby requir-ed to uſe their utmoſt diligence in the due execution of this Act, and ſhall be allowed their uſual ſalleries, or ſuch other as by the Governour or Commander in Chief for the time being, with the advice of the Council, ſhall be adjudged neceſſary for Collecting the ſaid impoſition; which ſaid Governour or Commander in Chief, for the time being, is alſo hereby further Authorized and impowered from time to time with the advice of the Council as is before ſpecified, to give ſuch reaſonable allowances and encouragement, as ſhall be adjudged fitting, not exceeding ten *per Centum*, to ſuch Maſters of Ships or other perſons, as ſhall give in true accounts, and advance and pay down the above mentioned dutys either in money or good and ſufficient Bills of Exchange, to the ſatisfaction of the Reſpective Collectors.

Provided always, and it is hereby Enacted and declared by the Authority aforeſaid, that the Act of Aſſembly in the Printed Book, Intituled, Impoſition of two ſhillings *per* Hogſhead, made at a Grand Aſſembly held at *James City* the 23d of March 1661. alſo one other Act, Intituled, An Act for the impoſition of two ſhillings *per* Hogſhead, made at *James City* the ſecond of *December*, 1662. alſo one *Act* in the Printed Book, Intituled, Caſtle-duties to be paid, made at a Grand *Aſſembly* holden at *James City* the 23d of *March*, 1661. and all other former *Acts* for the raiſing or levying of two ſhillings *per* Hogſhead Impoſt upon *Tobaccoes* exported out of this his Majeſties Colony of *Virginia*, or for raiſing or levying, Caſtle Duties, Tunnage, or head-money be and are hereby by vertue of this *Act* fully Repealed and made void to all intents and purpoſes, any thing in this *Act*, or any other Law, Statute, Cuſtom, Uſuage, or inſtructions whatſoever to the contrary notwithſtanding.

Provided alſo, and it is hereby Enacted, and declared by the Authority aforeſaid, that the Priviledges of *Virginia-Owners* of Ships, expreſſed and ſet down in the CXXXIIII. Act

Act, in the Printed Book (Intituled *Priviledge of Virginia-Owners*) made at *James City* the 23d of *March*, 1661. and one Act made at *James-City* the 20th. of *October*, 1669. (Intituled, *An Act for freeing Virginia-Owners from Castle-Duties*) shall be, and are hereby meant and intended to be in full force, power and virtue, to the benefit, use and priviledge of all and every such Owner or Owners, any thing in this Act, or any other Act, Law, Statute, Custom, usuage or Instructions whatsoever, to the contrary notwithstanding.

## IV.

## An Act *for continuation of the several Fortifications and Garrisons, at the heads of the four great Rivers.*

WHereas the number of Soldiers at the several Garrisons apointed by Act of Assembly made at *James-City*, the 25th day of *April*, 1679. is found too chargeable for the great poverty of the Inhabitants of this Countrey, and longer to lye under, and neverthelefs, the holding up any maintaining the said Garrisons, and Fortifications against the incursions of the *Indian*-Enemy is deemed of absolute necessity; Be it therefore Enacted and it is hereby

Enacted by the Kings most Excellent Majesty, by and with the consent of the General Assembly, that the clause in the said Law, appointing Forty Tithables, to set forth one Souldier, be from henceforth wholly repealed and made void, and that the said Garrisons and Fortifications be continued, and that from henceforward, the number of Soldiers at each Garrison, over and besides the Commander in chief thereof, be twenty in number, out of which number, two Corporals to be chosen by each Respective Commander in chief, and that such twenty Souldiers for each Garrison as aforesaid, be appointed and chosen, as also their Horses, Arms and Furniture, out of those who are now there, or ought to be there, by each Respective Commander proportionally out of the several Counties to which they appertain, and that for a supply of the said twenty Souldiers, Horses, Arms or Furniture so made choice of as aforesaid, and happening to dye, or any ways become disabled by sickness or otherwaies, that then such dificiency upon notice given by the Commander in chief to the Justices, or first in Commission of such County-Court, to which County such Souldier or Souldiers, *&c.* shall belong, shall forthwith be supplied according as the aforesaid Act of Assembly made the 25th of *April*, 1679. directs, and it is further Enacted by the Authority aforesaid, that each Officer and Souldiers pay shall be and continue, as is set down in the said recited Act of Assembly, which charge shall be borne and allowed by the Publick, and for the lessening the charge heretofore brought for transporting provisions, and the better and more sure providing the same; Be it Enacted by the Authority aforesaid, that each Souldier be allowed such Proportions of Corn and Meat, as is set down in the before recited Law, and that Collonel *William Bird* as undertaker in this Present Assembly, do forthwith begin, and all along continue from four months to four months, to provide and furnish the provision and Corn for the Garrisons and Souldiers at the head of *James River*, and deliver the same so convenient to the Garrisons, as that the same may be conveniently secured and fetcht in by the Souldiers thereof, without further charge to the Country.

*Each Garrison to have twenty Souldiers, besides the chief Commander.*

*Persons intrusted to make Provision for the Souldiers belonging to the Garisons*

*Their Allowance.*

For which Provisions he the said Colonel *William Bird* shall be paid and allowed by the publick, after the rate of two Thousand pounds of *Tobacco* and *Cask per Annum*, for each Souldier at the said Fort; and that Captain *John Langhorn*,

*horn* as Undertaker in this present Grand Assembly, make like Provisions and delivery thereof, for *York* River Fort, and have like pay from the publick, and that *Robert Beverly* as Undertaker in this present Grand Assembly, make like Provisions and Delivery thereof, for *Rapahannack* River Fort, and have like pay from the publick, and that the Rules in the former Law be observed for providing Provisions for *Potomack* Fort, and because by Reason of the Poverty of this Countrey, the number of Souldiers appointed for each *Garrison* at the Countreys charge, is so few, and that in all likelyhood there may be found emergent Occasion to Reinforce each *Garrison* with one or more Souldiers; his Excellency is humbly Requested as he shall see cause from time to time to place in each *Garrison* such Number of his Majesties Foot-souldiers now in the Countrey, as from time to time shall be thought fit and needful; and for such Souldiers so placed, their Allowance of Provisions shall be from time to time, made and provided at the Countrys charges, as is proportioned and allowed for the other, all such Souldiers being furnished and supplyed with his Majesties Arms and Ammunition, and provided with their own Bedding to be carryed to such *Garrison* at the charge of the countrey, and to the end such Provisions as aforesaid may be always ready and at hand, it is hereby Enacted, by the Authority aforesaid, that every Undertaker hereby and herein in this Act nominated do for the first four Months and for every other succeeding four Months, provide and lay in for each *Garrison* five Months proportionable Allowance, and also from time to time, furnish such other quantities proportionable, and for each such Supernumerary Souldier as shall be sent according to the time such Souldiers shall be continued there, and as the said Undertakers shall from time to time receive Notice thereof, and Direction for the same from each Respective Commander, in chief for such *Garrison* as he hath Undertaken for, and for such Provisions he shall be paid by the publick, according to the Rates before mentioned.

*Five Months Provisions in each Garrison.*

Provided always, and his Excellency is desired if he see cause, to draw off ten of the Souldiers from each *Garrison*, for the ease of the Country, supplying the same with ten of his Majesties Souldiers at each *Garrison*, and such ten to have the Horses, Arms, and Furniture of those that shall be withdrawn.

V. An

## V.

## *An Act for Cobabitation, and Encouragement of Trade and Manufacture.*

THis present General Assembly having taken into their serious consideration the great necessity, usefulness, and advantages of Cohabitation in this his Majesties Colony of *Virginia*, and observing and foreseeing the great extremities his Majesties Subjects here; must necessarily fall under by the present and continued Lowness of the price of *Tobacco*, the only Commodity and Manufacture of this Countrey, if the same be not by all prudential wayes and means prevented; and considering that the building of Store-houses for the reception of all Merchandizes, imported, and receiving, Securing, and laying ready all *Tobaccoes*, for exportation and for *Sales*, and disposal of all Goods, *Merchandizes*, and *Tobaccos* imported or exported into or from this his Majesties Colony of *Virginia*, will be one great means of advancement thereof, do pray your Majesty that it may be Enacted, and be it Enacted by the Kings most Excellent Majestie, by and with the Consent of the General Assembly, and it is hereby Enacted by the

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Authority aforesaid, that thereby within two Months next and imediatly after publication hereof in every respective County within this his Majesties Colony, fifty Acres of Land purchased by the Feoffees of the several Counties at the rates herafter set down, and measured about, laid out and appointed for a Town for Store-houses, &c. for such County as is hereafter set down, and Expressed; that is to say,

*Fifty Acres of Land in each County shall be set apart to Erect Store-houses upon, for the use of the said County.*

In *Henrico* County at *Verina*, where the Court-house is.

In *Charles-City* County at *Flower-de-hundred* over against *Swynyards.*

In *Surry* County at *Smiths Fort.*

In *James-City* County at *James-City.*

*Places in each County where the said Store-houses shall be built.*

In *Isle of Wight* County at *Pates-field* at the parting of *Pagan Creek.*

In *Nanzemund* County at Collonel *Dues* Point, alias *Huffs-point.*

In *Warwick* County at the mouth of *Deep Creek* on Mr. *Mathew's* Land.

In *Elizabeth-City* County, on the West-side *Hampton* River, on Mr. *Thomas Jarvis* his Plantation where he now lives.

In Lower *Norfolk* County on *Nicholas Wise* his Land on the Eastern Branch of *Elizabeth* River, on the Entrance of the Branch.

In *York* County on Mrs. *Redds* Land where the Shipp *Honours* Store was, including the Low Beach for Landing Wharfes, *&c.* and the Old field where *Webber* dwelt for Cohabitation.

In new *Kent* County at the Brick-house along the high Land in the old field from Marsh to Marsh.

In *Glocester* County at *Tindalls* Point, on *Tindalls* Creek side, on *John Williams* his Land.

In *Middlesex* County on the West-side of *Ralph Wormleys* Esquire, his Creek, against the Plantation where he now lives.

In *Rappahannack* County at *Hobbs* his hole.

In *Stafford* County at *Peace point* at the mouth of *Aquia* on the North-side.

In *Westmorland* County at *Noming* on the Land of Mr. *William Hardridge.*

In *Accomack* County at *Colverts Neck* on the North-west-side, at the head of *Anancock Creek.*

In *Northampton* County at the North-side of *Kings Creek*, beginning at the mouth, and so along the Creek, on the Land belonging to Mr. Secretarys Office.

In *Lancaster* County on the North-side *Corotomen* River, against the place where the Ships ride, on a point of Land belonging to Mr. *Edward Carter*, about a quarter of a mile up the Creek which divides Mr. *Thomas Chewnings* and the Court-house.

In *Northumberland* County at *Chickacony*.

And Be it forther Enacted by the Authority aforesaid, and it is hereby Enacted, That the price to be paid by each County, for each respective Fifty Acres of Land, nominated as aforesaid, shall be ten thousand pounds of *Tobacco* and Cask, which summ the Owner or Owners thereof, shall be and are hereby constrained to accept, take, and receive, as a full and valluable price and consideration for the said Land for ever; and for which he shall pass and acknowledge an authentique Deed in Law to such person or persons, his or their heirs and assignes for ever, as shall be nominated by the Justices of the County-court, as Feoffees in trust, and to and for the use of the County. And for Encouragement of all and every such person and persons as will build a dwelling House, and a Ware-house thereupon, every such person and persons shall have assigned him or them, by the Justice or Justices of the County Feoffee or Feoffers in the Deed named, or in case of the Death or absence of one or more of them, then by such other as shall be appointed by the Court, one half Acre of the said Land in Fee-simple, he paying to the County one hundred pounds of *Tobacco* and Cask, and building such Dweling-house, and Ware-house thereupon, as by this Act is enjoyned: and in case any person shall desire more then one half Acre, that then there be assigned him one half Acre more in manner aforesaid, he building thereupon one other Dwelling-house and one *W*are-house, and paying the County one hundred pounds of *Tabacco* and *Cask* for the same. And it is hereby further Enacted, that every such person or persons as shall desire and purchase such Lands as aforesaid, and shall not begin to build thereupon within three Months after such purchase, and so continue to the finishing such building as by this Act is enjoyned, shall forfeit all such *Tobaccos* and Land, the same to revert to the County, so as to be Sold and assigned to any other person or persons de-

*What price the County shall pay for the said fifty Acres of Land.*

*Encouragement to such as will build a Dwelling house on the aforesaid Land.*

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ſiring the ſame on the prices & Conditions aforeſaid: And it is hereby further Enacted that the Surveyor or Surveyors appointed to lay out the ſaid fifty Acres in the ſeveral appointed places, be paid and allowed by the Publique according to Act of Aſſembly; and that every Surveyor for Laying out every Dividual half Acre, and giving a Plot thereof, ſhall be paid by him that ſhall imploy him twenty pounds of *Tobacco* and *Cask*, and no more. And ſuch Surveyor as upon timely notice given him ſhall refuſe to ſurvey and lay out the ſame, or ſhall demand more then what is herein allowed, upon due proof thereof made, ſhall pay to the party agrieved five hundred pounds of *Tobacco*, to be recovered by Action of Debt in any Court of *Judicature*. And be it further Enacted by the Authority aforeſaid, and it is hereby Enacted, that all *Tobaccoes* whatſoever which ſhall be made within this his Majeſties Country from and after the firſt day of *January* next enſuing, and all other Goods and *Merchandizes* whatſoever, of the growth of this Colony to be Exported, ſhall be brought to the ſaid appointed places, where all ſuch *Tobaccoe* and all Goods and *Merchandizes* whatſoever of the growth or production of this Colony, are to be bought, ſold, Shipt off and freighted; and whoſoever ſhall preſume to Buy, Sell, freight or Ship off any *Tobacco* or other Goods and *Merchandizes* aforeſaid, next after the time aforeſaid, before the ſame is brought to ſuch appointed places, upon due proof thereof made, ſhall forfeit, and loſe all ſuch *Tobacco*, or other *Merchandizes* whatſoever, one half to his Majeſtie, and the other half to the informer, any Law, Uſage, or Cuſtom to the Contrary notwithſtanding. And all Goods, Wares, *Engliſh* Servants, *Negroes*, and other Slaves and *Merchandizes* whatſoever, that ſhall be imported into this Colony, from or after the 29th Day of *September* which ſhall be in the year 1681. ſhall be landed and laid on ſhoar, bought, and Sold, at ſuch appointed places as aforeſaid, and at no other place whatſoever, under like penalty and forfeiture thereof.

*Surveyors of the ſaid Land ſhall be paid by the Publick. Their Allowance.*

*All* Tobaccoes *and other Goods and* Merchandizes *what ever of the growth of this* Colony, *to be exported ſhall be brought to the places aforeſaid.*

*Goods Imported ſhall be Landed and ſold there.*

Provided alwayes that it ſhall and may be Lawfull, for any perſon whatſoever, to have liberty to buy and Sell between themſelves any Horſes, Mares, Cattle, Sheep Corne, *Engliſh* graine, or any other manner of proviſions whatſoever; and alſo liberty to carry Hides to the *Tanners*, where the *Tan*-houſes are, any thing in this

*Horſes, Cattle* Engliſh *graine* &c. *and other Proviſions, excepted.*

this Act to the contrary notwithstanding. And to prevent Exactions that may be used by Sloop-men who must necessarily be imployed to bring the said *Tobaccoes* to the said appointed places, and for the Owners of Ware-houses for Storage thereof, it is hereby Enacted, that the Owner of the *Tobacco* bringing the same to the Waterside, where it is to be taken on Board, shall pay for Sloop-hire no more then Twenty Pounds of *Tobacco* and *Cask* for each Hogshead, if the said *Tobaccoes* be within thirty miles of the said Ware-house, to which it is to be brought, and at what distance soever further, forty pounds of *Tobacco* and *Cask* for each Hogshead, and no more upon penalty of forfeiting one hundred pounds of *Tobacco* and *Cask* for each Hogshead, by him who shall demand, receive or take more, to the use of the Party grieved; and for Storage of any Hogshead of *Tobacco* in any Ware-house, the Owner thereof shall pay to the Ware-house-keeper ten pounds of *Tobacco* for the first day, or for a Month, and for every month after six pounds of *Tobacco* and no more.

*Prices appointed for sloop-hire from the said Ware-houses.*

And whereas there are several persons who are so Remote from *Landings* proper for taking their *Tobaccoes* on Board the Soops or Boats for Transporting the same to the appointed places, It is therefore hereby further Enacted, that in case any Person or Persons, Owners of such Lands, which shall be convenient to build a house upon, convenient for securing such *Tobaccoes*, until the same can be shipped, shall refuse to build such house for securing such *Tobaccoes* as aforesaid, that in sucb cases liberty be granted, and liberty is hereby granted to any person or persons whatsoever, for so much Land as he or they may conveniently build such fitting house upon, for securing such *Tobaccoes*, as shall be brought thither in order to transporting the same, to the Ware-houses appointed by this Act, he or they who shall desire the same and build thereon according as by this Law is intended, paying to the Owner thereof, such Price and Prices as are set down and ordered to be paid in the Act of Assembly, providing for Lands, for Churches and Mills, and that there be allowed free liberty of ingress and egress to and from such house or houses, not committing any Trespass, & for encouragement of all that shall Transport their *Tobaccoes* to the appointed places mentioned in this Act, it is also hereby Enacted, that no Execution, Attachment or other Process in Law, shall be executed or laid upon

*Tobaccoes during their Transporting unto, and whilst they are continued*

on any the ſaid *Tobaccoes* in the time of the Tranſportation thereof, to the ſaid appointed places, or in the Ware-houſes for any Debt, contracted before the paſſing this Act, the party that removes or tranſports ſuch *Tobaccoes* having firſt made Oath before a Magiſtrate, that he is really and *Bona fide* Tranſporting the ſame to one of the ſaid Ware-houſes, and for encouragement of Carpenters, Sawyers, Brickmakers, Briclayers, Labourers, and all other Tradeſmen whatſoever, that will cohabit, dwell, and exerciſe their Trades within the ſaid appointed places, or any of them, it is hereby enacted by the Authority aforeſaid, that all ſuch perſons ſo inhabiting, ſhall within the limits and bounds of the ſeveral reſpective places be wholly free from any arreſt of their perſons, or ſeizure of their Eſtates, for ſuch Debts as were formerly contracted for, and during the term of five years to come next after the publication of this Law, not barring the Creditor or Creditors to ſue for, and recover their Debts when the time of five years is expired, any Law, Cuſtome, or Uſage to the contrary notwithſtanding.

*in the houſes aforeſaid are exempt from any Execution or Attachment for Debts contracted before the making this Act.*

*Tradeſmen who will dwell in the places aforeſaid ſhall be freed from the payment of former Debts of five years.*

And it is hereby further Enacted, that all ſuch Tradeſmen, and Labourers cohabiting in the places aforeſaid, & not planting tending or making *Tobacco*, ſhall be free and acquit from paying any Publick Levy during the term of five years from the Publication of this Act.

*Such perſons not Planting Tobacco ſhall alſo be freed from the paymen of publick Levyes for 5. years.*

Provided always, and it is hereby meant and intended to be meant, that all ſuch Debts as ſhall accrew by any bargain or contract made or to be made, within the limits of the ſaid appointed places, or any one of them, immediate Proceſs may be granted thereon any thing in this Law to the contrary notwithſtanding, and for the more ſure reſerving all ſuch *Tobaccoes*, as ſhall be brought to the aforeſaid Stores or Ware-houſes, to the uſe and advantage of the Owners thereof, it is hereby further Enacted by the Authority aforeſaid, that no Collector or Collectors of Levy or Pariſh-Tiths ſhall make diſtreſs or ſeizure of any *Tobaccoes* in ſuch places for publick County, or Pariſh-Levies or for Sheriffs or Clerks-Fees, but that all Sheriffs and Publick Collectors ſhall be and hereby are enjoyned to Collect, and receive the *Tobaccoes* Due in their Collections as heretofore was uſual and the Publick or other Creditor to receive the ſame accordingly.

*No Collector ſhall make ſeizure of any Tobaccoes while in ſuch places for publick, County, or Pariſh Levies.*

And be it further Enacted by the Authority aforeſaid, and it is hereby Enacted, that for the better adnavcement

of the Price of Tobacco, and leſſening of Freight that no Merchant, Facture, or Adventurer whatſoever, arriving with any Goods, VVares, Servants, Slaves or other Merchandize whatſoever, into this Colony ſhall preſume to buy, Ship off, or Freight any Tobacco whatſoever, from any of the before appointed places at any time or times before the twentieth day of *March*, 1681. by which time it may be preſumed and believed all *Tobaccoes* whatſoever, which ſhall be made in this Colony, may be brought to the ſaid appointed places, under the Penalty of forfeiting and loſing all ſuch Goods, VVares, *&c.* and all *Tobaccoes* ſo purchaſed one half to his Majeſty, and the other half to him or them that ſhall or will inform or ſue for the ſame, any Law, Uſage or Cuſtom to the contrary in any wiſe notwithſtanding.

Provided always, and it is hereby meant and intended, that this Reſtriction ſhall continue two years from the ſaid twentieth of *March* and no longer.

*Perſons dwelling within the ſaid appointed places have liberty to ſell their Tobacco at any time.*

Provided always that notwithſtanding any thing in this Act contained, any Inhabitant dwelling within the ſaid appointed places, have liberty to ſell ſuch Goods and Merchandizes as they have of their own at any time.

*Where two or more Counties lye conveniently one ſuch Warehouſe may ſerve in Common.*

Provided alſo, and it is hereby Enacted, that if two or more Counties lying convenient to each other, ſhall within the two months before recited agree together on one common place and Town for each their Counties, and lay out the ground for the ſame in Common betwixt and amongſt them, and there build houſes as by this Act is enjoyned that then ſuch one Town ſo agreed on, appointed, laid out, and built upon, ſhall ſerve and be ſufficient for ſuch two or more Counties, any thing in this Law to the contray notwithſtanding, and it is hereby further Enacted, that all Magiſtrates take due care to ſee this Act be ſtrictly obſerved and put in E ecution.

VI. An

# VI.

## *An Act Ascertaining Attorneys Fees.*

WHereas all Courts in this Countrey are many times hindred and troubled in their Judicial proceedings, by the impertinent discourses of many busy and ignorant men who will pretend to assist their Friend in his business, and to clear the matter more plainly to the court, although never desired or Requested thereunto, by the person whom they pretend to assist, and many times to the Destruction of his cause, and great trouble and hinderance of the court, for prevention whereof for the future, Be it enacted by the Kings most Excellent Majesty, by and with the consent of the General Assembly: And it is hereby enacted by the authority aforesaid, that no Person or Persons whatsoever, shall practise as an Attorney, or appear to plead in the General court, or any County-court in this countrey, but such as shall be first Licenced by his Excellency, or Successors thereunto, and that any one that shall presume to plead in the General court, or any County or other Court, without such Licence first obtained, and had; shall forfeit for every such Offence committed in the County-court six hundred pounds of *Tobacco*, and in the general court 2000 pounds of *Tobacco*, the one half to our Soveraign Lord the King, his Heirs and Successors, and the other half to the Informer, to be Recovered by Action of Debt, Bill, Plaint, or Information in the said court or

*No Person not licenced by the Governor shall plead as an Atorney in the General or County-Courts*

*The Penalty.*

*Five hundred pound of Tobacco the Attorney Fee for pleading a Cauſe in the General Court and 150 for every cauſe in County-courts.*

or courts where ſuch Offence ſhall be committed, and be it further enacted by the authority aforeſaid, that no Attorney or Attorneys ſo Licenced as aforeſaid, take, demand or receive from any perſons for any cauſe in the general court, and bringing the ſame to Judgment, more then five hundred pounds of *Tobacco* and *Cask*, and for any cauſe in the County-court, and bringing the ſame there to Judgement, more then one hundred and fifty pounds of *Tobacco* and *Cask* : and it is hereby declared and enacted, that every Attorney or Attorneys ſhall have for every cauſe he undertakes in the general court, five hundred pounds of *Tobacco* and *Cask*, and for every cauſe he undertakes in the County-court, one hundred and fifty pounds of *Tobacco* and *Cask*, which he may Lawfully claim without any Pre-agreement, made with the parties for the ſame, and be it further Enacted by the Authority aforeſaid, and it is hereby Enacted, that all ſuch Attorney or Attorneys that ſhall refuſe to plead any cauſe in the general court for the aforeſaid aſcertained Fee, of five hundred pounds of *Tobacco* and *Cask*, ſhall forfeit and pay to the perſon grieved, five hundred pounds of *Tobacco* and *Cask*, after Legal conviction on due proof thereof made to be Recovered by due Proceſs of Law, and upon Refuſal of any cauſe in the *County-Court*, ſhall pay to the party grieved one hundred and fifty pounds of *Tobacco* and *Cask*, after legal conviction as aforeſaid, to be Recovered by due proceſs of Law.

*Fine laid on Attorneys Refuſing to plead for the Fee aforeſaid.*

*Any Perſon may notwithſtanding plead his own cauſe.*

Provided always, that this Act or any clauſe therein ſhall not extend to debar any man that is capable of pleading and managing his own cauſe in any the ſaid general or County-courts, but that he may be permitted and allowed to plead and manage his own buſineſs, any thing in this Act to the contrary notwithſtanding.

VII. An

## VII.

### *An Act Ascertaining the time when* Negro-*Children ſhall be Tythable.*

WHereas it is deemed too hard and ſevere, that children as well Chriſtian as Slaves, imported into this Colony, ſhould be lyable to Taxes, before they are capable of working. Be it Enacted by the Kings moſt Excellent Majeſty, by and with the conſent of the General Aſſembly, and it is hereby Enacted by the Authority aforeſaid, that all *Negro* Children imported or to be imported into this Colony, ſhall within three months after the publication of this Law, or after their arrival be brought to the County-Court, where their Age ſhall be adjudged of by the Judges holding Court, and put upon Record, which ſaid *Negro* or other Slave ſo brought to Court Adjudged and Recorded, ſhall not be accounted Tythable, until he attains the age of twelve years, any former Law, Uſuage or Cuſtom to the contrary notwithſtanding.

*NegroChildren imported ſhall not be accounted Tythable till 12 years of Age.*

And be it further enacted by the Authority aforeſaid, and it is hereby enacted, that no Chriſtian Servants imported into

*And Christian Servants Imported, not till they are 14.*

to this Country, ſhall be Tythable before they attain to the age of fourteen years, any former Law, Uſage, or Cuſtom to the contrary notwithſtanding.

## VIII.

## An Act *Licenſing a Free Trade with* Indians.

BE it enacted by the Kings moſt excellent Majeſty, by and with the conſent of the General Aſſembly, that all former Acts of Aſſembly Reſtraining, Limiting and Forbidding Trading with *Indians*, be and ſtand hereby Repealed, and they are hereby Repealed; and that henceforth there be a free and open Trade, for all perſons at all times and places with our friendly *Indians*; and that this Act continue in force, until the end of the next Seſſions of Aſſembly.

*The time this Act ſhall continue in force.*

IX. An

IX.

## An Act ascertaining Allowance for Cask.

Revised

BE it enacted by the Kings most excellent Majesty, and with the consent of the General Assembly, and it is hereby Enacted, that from and after the Publication of this Law, the allowance of Cask for Publick County and Parrish-Levys, and for Clerks and Sheriffs Fees, be eight *per Cent.* and no more; and that all Sheriffs or other Collectors of the same shall allow the Planter or others, eight *per Cent.* for his Cask, as aforesaid, upon Penalty of paying for refusing so to do, one hundred pounds of *Tobacco* to the Party grieved, and to whom he shall deny such allowance, and

*Allowance of Cask for Publick, and County Levys &c. shall be eight* per Cent. *and no more.*

on due proof thereof made, to be recovered by action of Debt in any Court of Record, or before one ſingle Juſtice of the Peace, if the ſame exceed not Two Hundred Pounds of *Tobacco*.

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## X

## An Act *for preventing* Negroes *Inſurrection.*

WHereas the frequent meeting of conſiderable numbers of *Negro*-Slaves under pretence of Feaſts and Burials, is judged and deemed of dangerous conſequence, for prevention whereof for the future; Be it enacted by the Kings moſt excellent Majeſty, by and with the conſent of the General Aſſembly, and it is hereby enacted by the Authority aforeſaid, that from and after the Publication of this Law, it ſhall not be lawful for any *Negro* or other Slave to carry or arm himſelf with any Club, Staff, Gun,

Gun, Sword or any other Weapon of Defence, or offence nor to go or depart from off his Masters Ground, without a Certificate from his Master, Mistress, or Overseer And such permission not to be granted but upon particular and necessary occasions, and every *Negro* or Slave so offending, not having Certificate as aforesaid, shall be sent to the next Constable, who is hereby enjoyned and required to give the said *Negro* twenty lashes on the bare back well laid on, and so sent home to his said Master, Mistress or Overseer; and it is further enacted by the Authority aforesaid, That if any *Negro* or other Slave, shall presume to lift up his hand in opposition against any Christian, shall for every such Offence upon due proof made thereof by the Oath of the Party before a Magistrate, have and receive thirty lashes on the bare back well layed on. And it is hereby further enacted by the Authority aforesaid, that if any Negroe or other Slave shall absent himself from his masters service, and lye hid and lurking in obscure places, committing injuries to the Inhabitants, & shall resist any person or persons that shall by any lawful authority be imploied to apprehend & take the said *Negroe* that then in case of such resistance, it shall be lawful for such person or persons to kill the said *Negroe* or Slave, so lying out and resisting; and that this Law be once every six months published at the Respective County-Courts and Parish Churches within this Colony.

*Negroes shall not go armed nor depart from off their masters ground without Certificate.*

*Resistance of Negroes or any other slaves punished.*

*Fugitive-Negroes resisting such as are imployed to apprehend them may be killed.*

## XI.

## An Act *for Presentation and Delivery of Grievances.*

FOr as much as it hath been the frequent practice of ill disposed and seditious persons, to deliver to their Burgesses, and they to the Assembly, scandalous and seditious

ous Papers, and to intitle or call them the Grievances of ſuch Countie or Counties wherein they dwell, neither giveing or preſenting the ſame in lawfull manner, nor in truth being known to any other of his Majeſties good Subjects, of ſuch County whoſe Title they bear; Be it enacted by the Kings moſt excellent Majeſty, by and with the conſent of the General Aſſembly, and it is hereby enacted by the Authority aforeſaid, that the Sheriffs of each County ſhall before every Seſſion of Aſſembly, appoint a time and place for preſenting, giving and receiving all County-Grievances, which ſhall be ſigned by the Parties giving the ſame, and atteſted by the Clerk of the *County-Court.* or Chief Magiſtrate, ſo to be; and all other private Propoſitions or particular Ag-grievance ſhall be ſigned by the Party delivering the ſame, or not to be received into the Aſſembly.

*Sheriffs of each County ſhall before every Seſſions of Aſſembly appoint a time and place for receiving Preſentiments of Grievances. Such Preſentments ſhall be ſigned.*

## XII.

## An Act *prohibiting the exportation of* Raw-Hides *and* Deer-Skins.

BE it enacted by the Kings moſt excellent Majeſty, by and with the conſent of the General Aſſembly, and it is hereby enacted, that from and after Publication of this Act, it ſhall not be lawful for any perſon or perſons whatſoever to export out of this his Majeſties Colony of *Virginia*, any Untainted-Hides or Deer-Skins, upon the Penalty of paying

paying for every Raw-Hide or Deer-Skin, one hundred Pounds of *Tobacco* and Cask, that ſhall be found on Board any Ship, Boat, Sloop or other Veſſel, in order to ſuch Exportation, over and beſides the forfeiture of all ſuch Raw-Hides or Deer-Skins ſo found in exportation; the one half to his Majeſty, his Heirs and Succeſſors, and the other half to him that ſhall make Information thereof; And all Collectors of the two ſhillings *per* Hogſhead, and penny *per* Pound Cuſtomes, are hereby required and enjoyned on every Information and Suſpition of ſuch exportation, to make diligent ſearch and ſeizure accordingly.

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## XIII.

### *An Act Prohibiting Unlawful Diſturbances of Divine Service.*

BE it enacted by the Kings moſt Excellent Majeſty, by and with the conſent of the General Aſſembly, and it is hereby enacted by the Authority aforeſaid, That whoſo-

*Any Perſon that ſhall diſturb the Miniſter, during the Exerciſe of his Miniſterial Function, ſhall for the firſt Offence be fined* 200l. *of Tobacco, and* 500 *for every ſuch Offence after.*

whoſoever from and after the publication of this Act, ſhall appear in any Church or Chappel within this his Majeſties Colony, whilſt the Miniſter is exerciſing his Miniſterial Function, and ſhall diſturb him by Words or any other manner of means whatſoever, or ſhall there appear in any unſeemly or undecent Geſture, any Juſtice, Sheriff, or other Officers then preſent ſhall put ſuch perſon or perſons ſo offending under Reſtraint during Divine Service, who ſhall alſo for the firſt Offence be fined two hundred pounds of *Tobacco* and *Cask*. And for every ſuch Offence as ſhall be by them or any of them committed after in the like Quallity, ſhall be fined five hundred pounds of like *Tobacco* and *Cask*, for every ſuch Offence; which Fines ſhall be Levyed by the Sheriff upon the Eſtate of the perſon or perſons ſo offending by vertue of a Warrant from a Juſtice of the peace; and ſuch Juſtice of the peace that ſhall refuſe or neglect to put this Law into ſevere Execution, ſhall be fined five hundred pounds of *Tobacco* and *Cask*, to the uſe of the Pariſh for every ſuch neglect.

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*XIV. An*

## XIV.

### *An Act Reviving, and Reinforcing an Act made at* JAMES-CITY, *the* 20th. *of* October, 1665. *and putting the same in Due Execution.*

Revised

BE it enacted by the Kings most Excellent Majesty, by and with the consent of the General Assembly, and it is hereby Enacted by the Authority aforesaid, that the eighth Act of Assembly made at *JAMES-CITY*, the 20th. of *October*, 1665. Intituled, *An Act concerning Indians:* Be and hereby is Revived and Re-inforced, to the end the same be put in due and Effectual Execution.

## XV.

### *An Act for the well clearing the Heads of the Rivers and Creeks, from Loggs and Trees, for the more safe Passage of Sloops and Boats.*

Revised

WHereas the Neglect of clearing the Heads and others parts of Rivers and Creeks, from Loggs, Trees, Roots of Trees, and other Rubbish, hath

*Justices of the County Courts shall annually appoint the Surveyors of the Rivers and Creeks to clear the same from all trees, Loggs, Rubbish, &c.*

occasioned and endangered the loss of several Sloopes, Boats, *Tobaccoes*, and Merchandizing Goods, in Carriage thereof, to and from the Ships; for the better prevention thereof for the future, Be it Enacted by the Kings most Excellent Majesty, by and with the consent of the General Assembly, and it is hereby Enacted by the Authority aforesaid, That from and after the Publication of this Law, the Respective Justices of the several County-Courts, do annually in *June* or *July*-Courts appoint and order the Surveyors for the Rivers to clear all, and all manner of Loggs, Trees, Roots of Trees, and other Rubbish, as may any ways hurt and endanger any Sloop, Boat, or other Vessel, from out of the Respective Rivers, or Creeks heads, or parts of any River or Rivers, Creek or Creeks, within their County, and limited bounds, as Surveyors; which said clearing and Removeal of all Loggs, Trees, Roots of Trees, and other Rubbish, shall be as aforesaid annually performed, according to the true intent and meaning of this Act, under such pains and penalties for every Delinquent and Offender, as are set down in 97th Act of Assembly, in the Printed Book; Intituled, *Surveyors for High-ways*: And if any shall presume to fall Trees into the Rivers or Creeks, and not clear the same, the Offendor shall be fined five hundred pounds of *Tobacco* the first Offence, to the use of the County: And for the second, one Thousand pounds of *Tobacco* to the use aforesaid.

*Such as shall fall Trees into the Rivers and not clear away the same, fined 500 l. of Tobacco.*

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## XVI.

Obsolete

## *Additional Fees Ascertained to* County-Court Clerks.

BE it enacted by the Kings most Excellent Majesty, by and with the consent of the General Assembly, and it is hereby enacted, that Those Additional Fees

Fees hereafter set down, over and besides the fees nominated in the Printed Book, be demanded and taken by County-court Clerks, as just fees, and none other, *viz.*

| | l. Tobacco. |
|---|---|
| For writing a pair of Indentures, if amongst the parties, as they can agree; if bound by the Court. | 40. |
| For a Bond. | 10. |
| For a Retraxit. | 4. |
| For filing, endorsing, Bill, Accompt, Petition or such like. | 3. |
| For all Answers to Petitions, if writ by themselves | 10. |
| If not writ by them, and so for a Petition. | 5. |
| For a Warrant by command of Court or Justice. | 10. |
| For a Chancery Bill, if written in the way of other usual Petitions, and exceed not one side of a whole Sheet of Paper. | 20. |
| If more, every such side | 10. |
| Recording the Pannel of a Jury, and their Oath | 10. |
| Returning and Recording Executions. | 10. |
| Returning and Recording Attachments. | 5. |
| Recording the Acknowledgment for Satisfaction of a Judgment. | 10. |
| For taking Inventories of Estates, at Appraisement, and outcryes, if the Clerk be imployed he ought to be agreed with for that and his Attendance: or if not agreed with, the Court to award for his pains and trouble as they see cause. | |
| For Returning Administrations, and Probats of wills, with their Security, into the Secretaries Office, having a Certificate from the Office, of having so done. | 40. |
| For procuring the signing of Administration, and Probats. | 10. |
| For writing and Publishing any Persons Departure, or for Stray-horses, or such like, at the Court-house-door, if writ by themselves. | 5. |
| For Recording the same. | 5. |
| For Acknowledging Land in Court, and Recording thereof, and Copy. | 25. |
| For Relinquishing Dowers, and recording thereof | 20. |
| For a Caveat. | 5. |
| For entring and Returning References on the Docket. | 5. |

For

For a *Quietus* and Recording it. — 25.
For a Bill of Costs. — 3.
For a private Courts Attendance there. — 200.
For Attendance at the Executing a *Dedimus*, and return thereof to the Office. — 100.
For returning Appeals and Securities. — 30.
For recording the Issuing an Attachment. — 3.

*Penalty of Clerks exacting greater fees than is here appointed.*

And if any Clerk of a County-court shall exact and take greater sums for any Fee then is here, or in the Printed Book, or by any other Law set down and established, and shall be legally convict thereof, such Person so offending shall forfeit for every pound of *Tobacco* so exacted and taken, ten pounds of like, to the Person or Persons so overcharged, to be Recovered by Action of Debt; any Law, Custom, or Usage, to the contrary notwithstanding.

## XVII.

### *An Act Restraining Striking and Killing Fish at Unseasonable Times.*

THe Inhabitants and Freeholders of the several Counties of *Glocester*, *Middlesex* and *Lancaster*, by their Burgesses at this Assembly, complaining that the striking and killing of Fish with Giggs and Harping-Irons, is very prejudicial, injurious, and destructive to themselves in particular, and the whole Countrey in General: And praying that by a Provincial Law, there may be Restraint put upon such striking and destructive killing of Fish, betwixt

twixt the Months of *March* and *November*. Be it therefore enacted by the Kings most Excellent Majesty, by and with the consent of the General Assembly, and it is hereby enacted by the Authority aforesaid, that from hence forward it shall not be lawful betwixt the first day of *April*, and the first day of *November*, for any person or persons whatsoever, to kill or strike any fish whatsoever within the bounds and limits on the Waters or Shoars of *Glocester* County, *Middlesex* County, or *Lancaster* County, with Gigg, Harping-Iron, or any other such like Instrument made, or to be made, of Iron, Wood, or other ways, upon Penalty of forfeiting and paying for every time, such Person shall be lawfully convict thereof, five hundred pounds of *Tobacco* and *Cask*, one half to the Kings Majesty, his Heirs and Successors, and the other half to him or them that shall inform thereof, and sue for the same, to be recovered against every such Offender or Offenders, in any of his Majesties Courts of this Colony of *Virginia*, by Action of Debt, Bill, Plaint or Information, any Law, Custom, or Usage, to the contrary notwithstanding.

*No Person shall strike or kill fish, betwixt the first of* April, *and the first of* November, *in the Counties of* Glocester, Middlesex, & Lancaster, *upon Penalty of forfeiting* 500 l. *of Tobacco.*

## At a General Assembly, *begun at* JAMES-CITY, *November* 10. 1682. *and in the four and thirtieth Year, of the Reign of our Soveraign Lord* Charles *the Second, by the Grace of God, of* England, Scotland, France *and* Ireland *King*, &c.

### I.

### An Act *to Repeal a former Law, making* Indians, *and others Free.*

WHeres by the Twelfth Act of Assembly held at *James City*, the third day of *October*, *Anno Domini*, 1670. Entituled, *An Act, declaring who shall be Slaves*, it is Enacted, that all Servants not being Christians, being imported into this Country by shipping, shall be Slaves, but what shall come by Land, shall serve, if Boyes and Girls, until thirty years of age; if men or women, twelve years and no longer: And for as much as many *Negroes*, *Moors*, and *Mulattoes* and others born of, and in Heathenish Idolatrous *Pagan* and *Mahumetan* Parentage and Country, have heretofore, and hereafter may be purchased, procured or otherwise obtained as Slaves, of, from, or out of such their Heathenish Conutry by some well disposed Christian, who after such their obtaining and purchasing such Negro, *Moor* or *Mulatto* as their Slave, out of a pious zeal have wrought the conversion of such Slave to the Christian Faith, which

which by the Law of this Country, doth not manumit them or make them free, and afterwards such their Conversion, it hath and may often happen, that such Owner or Master of such Slave, being for some reason enforced to bring or send such Slave into this Country to sell or dispose of, for his necessity or advantage, he the said Master or Owner of such servant which notwithstanding his Conversion is really his Slave, or his Factor or Agent must be constrained either to carry back or export again the said slave to some other place, where they may sell him for a slave, or else depart from their just right and Title to such slave, and sell him here for no longer time then the *English* or other Christians are to serve, to the great loss and dammage of such Master or Owner, and to the great discouragement of bringing in such slaves for the future, and to no advantage at all, of the Planter or Buyer; and whereas also those *Indians* which are taken in War or otherwise by our Neighbour *Indians* Confederates or Tributaries to his Majesty and this his Plantation of *Virginia*, are slaves to them the said Neighbouring *Indians* that so take them, and by them are likewise sold to his Majesties Subjects here as slaves; Be it therefore Enacted by the Governour, Council and Burgesses of this General Assembly, and it is Enacted by the authority aforesaid, that all the said recited Act of the third of *October*, 1670. Be and is hereby repealed, and made utterly void, to all intents and purposes whatsoever. And be it further Enacted by the authority aforesaid, that all servants except *Turks* and *Moors*, whilst in amity with his Majesty, which from and after Publication of this Act shall be brought or imported into this Country, either by Sea or Land, whether *Negroes*, *Moors*, *Mulattoes or Indians*, who and whose Parents and Native Country were not Christians at the time of rhe first purchase of such servants by some Christian, although afterwards and before such their importation, and bringing into this Country, they shall be converted to the Christian Faith, and all *Indians* which shall hereafter be sold by our Neighbouring *Indians*, or any other Trafficquing with us, and for as slaves are hereby adjudged, deemed and taken, and shall be adjudged, deemed and taken to be slaves to all intents and purposes, any Law, Usage or Custome to the contrary notwithstanding.

*Iudian Slaves &c. though afterwards Converted to Christianity, shall notwithstanding continue Slaves still.*

II. An

## II.

## An Act *declaring* Indian-Women-Servants *Tythables.*

WHereas it hath been doubted, whether *Indian-Women-Servants* sold to the *English*, above the age of sixteen years, be Tythables; Be it enacted and declared, and it is hereby enacted and declared by the Governour, Council and Burgesses of this General Assembly, and the authority thereof, That all *Indian-Women* are and shall be Tythables, and ought to pay Levies in like manner, as *Negro Women* brought into this Country, do and ought to pay.

## III.

## *An Additional Act for the better preventing Insurrections by* Negroes.

WHereas a certain Act of Assembly held at *James City*, the eighth day of *June*, in the year of our Lord, 1680. Entituled, *An* Act *preventing* Negroes *Insurrections*, hath not had its intended effect for want of due notice thereof being taken; It is enacted by the Governour, Council and Burgesses of this Present General Assembly, and by the authority thereof, that for the better putting the said Act in due execution, the Church-Wardens of each Parish in this Country, at the charge of the Parish, by the first day of *January* next, provide True Copies of this and the aforesaid Act, and make, or cause entry thereof to be made in the Re-

gister

gister Book of the said Parish, and that the Minister or Reader of each Parish, shall twice every year, *viz.* Some one *Sunday* or *Lords-day* in each of the Months of *September* and *March*, in each Parish-Church or Chappel of Ease, in each Parish, in the time of Divine Service after the Reading of the Second Lesson, Read and Publish both this present and the aforesaid recited Act, under Pain such Church-Warden, Minister or Reader making default, to forfeit each of them six hundred pounds of *Tobacco*, one half to the Informer, and the other half to the use of the Poor of the said Parish.

*The Act of the eighth of* June, 1680. *for preventing Insurrections of the* Indians, *shall be read publickly in all Churches and Chappels of Ease twice every year.*

And for the further better preventing of such Insurrections by *Negroes* or Slaves; Be it likewise Enacted, and it is hereby Enacted by the authority aforesaid, that no Master or Overseer, shall at any time after the twentieth day of *January* next, knowingly permit or suffer without the leave or licence of his or their Master or Overseer, any *Negro* or Slave not properly belonging to him or them, to remain or be upon his or their Plantation above the space of four hours, at any one time contrary to the intent of the before recited Act, upon pain to forfeit being thereof lawfully convicted before some one Justice of the Peace within the County where the Fact shall be committed, by the Oath of Two Witnesses at the least, the Sum of two hundred pounds of *Tobacco* in *Cask*, for each time so offending, to him or them that will sue for the same, for which the said Justice is hereby impowered to award Judgment and Execution.

*No person shall permit any* Indian *or Slave, not belonging to him, to continue on this Plantation above four hours without leave of the said* Indians *or slaves Master.*

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## IV.

## An Act *Prohibiting the Exportation of any Iron, Wool, Wolfels, Skins, Hides, or Leather.*

Obsolete

WHereas it is found by experience that Iron, *Wool*, Wolfels Skins and Hides, Tanned or Untanned, of any Deer, Ox, Steer, Bull, Cow, or Calf, are very necessary and profitable for the use, and support of the Country, and

would be found profitable for the ſetting to work many men women and children in this Country, which lye idle for want of Employment, ſome naked for want of ſuch Neceſſaries as might be wrought out of the ſame, which they are kept from by Reaſon of the great quantities of them Yearly exported out of the Country, to the great Impoveriſhment of the Inhabitants thereof; for the better preventing and avoiding ſuch Loſſes and Inconveniencies that have happened, and do and may happen to this Dominion, by and through the carrying and conveying away, the Exportation and Tranſportation of Iron, Wool, Woolfs-Skins, or Hides Tanned or Untanned, of any Deer, Ox, Steer, Bull, Cow or Calf, out of and from this Country, and for the better ſetting on work the poorer and weaker ſort of People of this Country, and to the intent that the full and beſt uſe and benefit of ſuch principal Native Commodities, may come and redound, and be unto and amongſt the Inhabitants of the ſame, the Houſe of Burgeſſes now aſſembled, do pray that it may be enacted, and be it enacted, by the Governour, Council, and Burgeſſes of this General Aſſembly, and by the Authority of the ſame, That no perſon or perſons whatſoever, from and after the firſt day of *January* next, ſhall directly or indirectly, export, tranſport, carry, or convey, or cauſe to be exported, tranſported, carryed or conveyed out of, or from the Dominion or country of *Virginia*, into any parts or places out of the ſame, any Iron, Wool, Wolfels, Skins, or Hides, or any manner of Leather, Tanned or Untanned, of any Deer, Ox Steer, Bull, Cow or Calf, nor ſhall directly nor indirectly load or lay on board, or cauſe to be loaden or laid on board, in any Ship, Sloop, Boat or other Veſſel, in any place or port within this Dominion; any ſuch Iron, *W*ool, *W*oolfels, Skins, or Hides, Tanned or Untanned, of any Deer, Ox Steer, Bull, Cow or Calf, except only ſuch Hides and Iron as ſhall appear by the Oath of the Owner, to be directly tranſporting to ſome Tan-houſe or Smiths in this Country, to be there wrought up. And be it further enacted, by the Authority aforeſaid, that all and every the Offender and Offenders, Offence and Offences aforeſaid, ſhall be Subject and Lyable to the Reſpective Pains Penalties, and Forſeiture hereafter following, (that is to ſay,) the ſaid Iron, *W*ool, *W*oolfels, Skins, or Hides, or any manner of Leather, Tanned or Untanned, of any Deer, Ox, Steer, Bull, Cow, or Calf, ſo put on board, to be Exported, Tranſported, carryed, conveyed, or loaden, contrary to this Act,

*Forfeiture of Iron, Wool, Hides, &c. (Tanned or Untanned) put on Board for Exportation.*

Act, shall be forfeited; and that every Offender and Offenders therein, shall forfeit forty pounds of Tobacco, for every pound of *Wool*, and *Woolfels*, and one hundred and fifty pounds of Tobacco, for every Skin or Hide, or any manner of Leather Tanned or Untanned, of any Deer, Ox, Bull, Cow or Calf; and Ten Pounds of *Tobacco* for every pound of Iron, and also the Owner or Owners, of such Ship or Vessel, knowing such Offence, shall forfeit all their Interest in the said Ship or Vessel, with all their Apparel and Furniture, to them and every of them belonging, and the Master, Marriner or Seamen thereof knowing such offence, or being aiding or assisting thereunto, shall forfeit all their Goods and Chattels, and have Imprisonment for the space of three months without Bail or Mainprize, the one Moity of which said Penalties and Forfeitures, shall be to the Kings Majesty, his Heirs and Successors, and the other Moity to him that will sue for the same, by action of Debt, Bill, Plaint or Information in any Court of Record, wherein no Essoin, Protection or wager of Law shall be allowed. And be it further enacted by the authority aforesaid, That every offence that shall be done or committed contrary to this Act, shall and may be enquired of, heard, examined, tryed and determined in the County, where such Iron, Wool, Wolfels, Skins, or Hides, or any manner of Leather Tanned or Untanned, of Deer, Ox, Steer, Bull, Cow or Calf, respectively shall be so loaden or laid on Board as aforesaid, contrary to this Act, or else in the County where such Offender shall happen to be apprehended or arrested for such Offence, in such manner and form, and to such effects to all intents and purposes, as if the same had been wholly and altogether committed at, and in such County.

*Penalty upon such as are privy thereto.*

Provided always, and be it Enacted by the authority aforesaid, that no person or persons whatsoever, shall at any time hereafter, be impeached for any offence aforesaid, unless such person or persons shall be Prosecuted within two years next ensuing such offence committed. And be it further Enacted by the authority aforesaid, that it shall and may be lawful, to and for any person or persons, to seize, take and challenge to his and their own use and behoof, and to the use of the King, his Heirs and Successors, all and all manner of such Iron, Wool, Woolfels, Skins or Hides, Tanned or Untanned, of Deer, Ox, Steer, Bull, Cow or Calf, as he or they shall happen to see, find, know of, or discover to be laid on Board of any Ship or other Vessel or Boat,

*Prosecution shall be made within two years after the Offence committed.*

*Any Person may make Seizure of such Iron, Wool, Hides,*

*&c. as are found on Boaod for exportatien, and shall have the Moity thereof for ſo doing.*

Boat, to the intent and purpoſe to be exported, or co veyed out of the Country, contrary to the true mea ning of this Act, and that ſuch perſon or perſons that ſha happen to ſeiz, take or challenge any ſuch Iron, Woo Woolfels, Skins or Hides, Tanned or Untanned, of Dee Ox, Steer, Bull, Cow or Calf, as aforeſaid, ſhall have th full Moiety thereof to all intents and purpoſes. And be further enacted by the authority aforeſaid, that whateve perſon or perſons, ſhall from and after the firſt day of *Ja nuary* next, ſell or diſpoſe, vend or barter, to or with an Merchant not being an Inhabitant of this Country, or to o with any Maſter of, or Marriner, or other perſon, belongin to any Ship, Veſſel, Boat or Sloop, any Iron, Wool, Wool fels, Skins or Hides, or any manner of Leather *T*anned o Untanned, of any Deer, Ox, Steer, Bull, Cow or Calf, th perſon or perſons ſo offending, (and being thereof lawfully convicted) ſhall forfeit and pay for every Hide, or any man ner of Leather Tanned or Untanned, of any Deer, Ox Steer, Bull, Cow or Calf,, one hundred pounds of *Tobacco* and for every pound of VVool or Woolfels, twenty pounds of *Tobacco*, and for every pound of Iron, five pound of *Tobacco* ſold, ſo diſpoſed or batered as is aforeſaid, the one half to his Majeſty, his Heirs and Succeſſors, and the other half to him or them that will ſue for the ſame, by Action of Debt, Plaint or Information, in any Court of Record, wherein no Eſſoin, Protection or wager of Law ſhall be allowed or granted. A nd for the better putting this Act into Execution, Be it enacted by the authority aforeſaid, that all Juſtices of the Peace in every Reſpective County, be required and enjoyned upon notice to him or them given, of any Skins, Iron, Wool, VVoolfels, Hides, Tanned or Untanned, of any Deer, Ox, Steer, Bull, Cow or Calf, being on Board any Ship, Sloop or Veſſel, or of any oppoſition, reſiſtance, made in the ſeizure thereof, to iſſue out his VVarrant, to the High-Sheriff, Under-Sheriff, Conſtable or other Officer Requiring them to go on board ſuch Ship, Sloop, or Veſſel, and there to make diligent ſearch and ſeizure of the ſaid Hides, Skins, Iron, *W*ool, *W*oolfels, or any Leather, Tanned or Untanned, found on board the Ship, Sloop, or Veſſel; or if any Juſtice or Juſtices of the peace, upon Requeſt to him or them made, Refuſe or Neglect to Iſſue out *W*arrant, or any Sheriff, under-Sheriff, or other Officer, ſhall *R*efuſe to execute ſuch *W*arrant, he or they ſo offending, ſhall forfeit three thouſand pound of Tobacco and Cask; or if

*Juſtices of Peace shall ſue Warrants to the Sheriffs or other Officers to be aſſiſting in the ſeizure in caſe of Opoſition.*

if any person or persons, shall upon command made to him in his Majesties Name, refuse to be aiding or assisting to such Sheriff, or other Officer in the Execution of such Warrant, every such person so offending, shall forfeit the sum of one thousand pounds of Tobacco with Cask, one half of all such Fines and Forfeitures to be paid to the Kings Majesty, and the other half to him or them that will inform to be recovered as is before directed; And it is further Enacted by the authority aforesaid, that every Collector in this Country, shall at the entry of every Ship or Vessel, acquaint every Master of such Ship or Vessel with this Act, and enter a particular clause in the condition of their Entry-Bond, for the performance of the same.

*Penalties upon such Justices, Sheriffs, and others as shall not give due obedience to this Act.*

Provided alwayes, and it is the true intent and meaning of this Act, that if any person or persons, shall hereafter be sued or impleaded by vertue hereof, for the breach of any clause or prohibition herein contained upon the Forfeitures or Penalties herein before mentioned, expressed or provided, that then and in such case such person or persons so prosecuted, sued or impleaded, shall not be liable be subject to be sued, impleaded or Prosecuted by any other Law heretofore made or provided against the exportation of any of the Hides, Iron, Wool, Skins, or other things herein before enumerated, any other or former Law, Custom or Usage to the contrary notwithstanding.

*The time this Act shall continue in force.*

Provided also, that this Act shall continue in force until the tenth day of *November*, which shall be in the year of our Lord, 168<. and from thence, to the end of the next Session of Assembly.

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## V.

# An Act *Directing how* Commissions *of* Dedimus Potestatem, *and other Writs, shall Issue.*

Revised

WHereas the present course of signing Commissions of *Dedimus Potestatem* Writs of Execution, and Attachment by the Governour, in causes depending in the General Court, is found by experience to be very Burthensome

ſome and grievous to Suiters, the Burgeſſes now aſſembled do pray, That it may be enacted, and be it enacted, by the Governour, Council, and Burgeſſes of this preſent General Aſſembly, and by the Authority thereof, that all Writs or Commiſſions to examine witneſſes called *Dedimus Poteſtatem*, at the Requeſt of either of the Parties, Plaintiff, or Defendant in any cauſe now depending, or which ſhall or may hereafter depend in the General Court, ſhall and may be iſſued and ſigned by any one of the Honourable Council in ſuch Form, and according to ſuch Rules and Directions as are by Law already preſcribed and laid down, and that all writs of Execution, and writs of Attachment awarded by any Order or Judgment of the ſaid Court, ſhall and may be iſſued forth of the Secretaries Office, by the Clerk there attending, and for that purpoſe authorized by the Secretary, and by him ſigned, without putting the parties to the trouble of attending, or ſending to the Governour for his ſign, as hath been formerly uſed, and all ſuch writs to be Returnable to the Secretaries Office, any former Law, Cuſtom or Uſage, to the contrary notwithſtanding.

A Dedimus Poteſtatem, *may be ſigned by any Member of the Council.*

*Writs of Execution and Writs of Attachment how to iſſue.*

## VI.

## *An Act Repealing the ſixth* Act *of* Aſſembly, *of* June, 1680. *about* Attorneys.

Foraſmuch as the ſixth Act of Aſſembly made at *James-City*, the 8th. day of *June*, 1680. concerning Attorneys, is found inconvenient, Be it therefore enacted, by the Governour, Council, and Burgeſſes of this General Aſſembly, and it is enacted by the Authority aforeſaid, that the aforeſaid Act of Aſſembly, and every clauſe thereof, from henceforth be Repealed, and made Void.

Poſolete

VII. An

# VII.

## An Act Disbanding the present Souldiers in Garrison, in the Forts, at the Heads of the several Rivers; as also, for the Raising of other Forces in their stead.

Obsolete

WHereas the present *Garrisons* in the several Forts, built according to an Act of Assembly, held at *James-City*, the 8th day of *June*, 1680. Intituled, *An Act for Continuation of the several Garrisons and Fortifications at the heads of the four great Rivers*; are by experience found very burthensom, and chargeable to the Country, and forasmuch as the apprehensions of Dangers, from the Incursions of certain *Indian*-Enemies, induced that Assembly to erect those Forts, and place those *Garrisons* in them; are for the most part removed by peace, concluded with those *Indians* then our Enemies; the House of Burgesses now assembled, do pray, that it may be enacted, and be it enacted by the Governour, Council and Burgesses of this General Assembly, and by the authority thereof, that the several Forts and Garrisons be dismantled, and the Forces, Officers, and Souldiers therein, and in each of them disbanded, some time between this and the 30th. day of this instant *December*, and that each Officer and Souldier by the time aforesaid, do actually deliver up his Horse, Arms and Furniture, to the Respective Owners of them; and forasmuch as it may be dangerous and of evil Consequence, to leave the frontiers of the Country, and heads of the aforesaid Rivers, altogether ungarded; it is hereby enacted, that twenty men well furnished with Horses and all other Accoutrements, be raised and listed in each of the Counties of *Henrico*, *New-Kent*, *Rappahannack*, and *Stafford*, of such House-keepers belonging to the said Counties, as shall voluntarily offer themselves for this Service, and for want of such or so many House-keepers that then the said Number shall be made up of such freemen as shall willingly offer themselves, and give security to the *Militia*-Officers of that County, to perform all services and other things, as by this Act is enjoyned them, but in case

*Twenty Men well furnished with Horses shall be raised in each County* viz. *of* Henrico, New-Kent, Reppahanuack and Stafford.

case such twenty men, quallified as aforesaid, shall not be found in each of the said Counties, then it shall and may be Lawful for the *Militia*-Officers of the said Counties, to impress such and so many men furnished as aforesaid, as shall be wanting to compleat the number required by this Act; and his Excellency the Governour General, or in his absence the Right Honourable the Lieutenant, or Deputy Governour is hereby desired to make choice of, and commissionate some fit and able Person, in each of the aforesaid Counties, who is a House-keeper, therein to command, lead, train, conduct, and exercise the said Twenty souldiers to be raised in the said County, of which he shall be appointed and commissionated, by his Excellency the Governour General, the Lieutenant or Deputy Governour, as is aforesaid. And it is further enacted, That the chief Officers of the *Militia* in each of the said Respective Counties, shall make choice of the most able and fittest person, out of such twenty men, as to them shall seem most fit and convenient to be Corporal of the said Troop of that County, who in the absence of the Captain of the Troop occasioned by sickness or otherwise, is to Lead, Train, Command, and Exercise, the said Troop, or Company of Twenty Men; and be it enacted by the Authority aforesaid, That the pay of each Officer and Souldier shall be as followeth, to the Captain of each Troop, finding himself Horse, Armes, Ammunition and Provision, eight Thousand pound of Tobacco, with Cask, out of the Publick Levy, for one whole year, and so after that Rate for a shorter or longer time; To the Corporal of each Troop, Three Thousand Pounds of Tobacco with Cask, as aforesaid for one whole year, and so after that Rate, for a longer or shorter time, to each Souldier finding himself Horse, Armes, Furniture, Provision, Ammunition, and other necessaries as aforesaid, two thousand pound of Tobacco in Cask, as aforesaid, and so after that Rate, for a longer or shorter time. And be it enacted by the authority aforesaid, that each Captain, or in his absence, his Corporal shall once every Month, Muster, Train, Exercise, Instruct, and Discipline the Troop or Souldiers under his Command, on pain to forfeit five hundred pounds of Tobacco in Cask for every time, he shall neglect such Muster or Exercise, unless occasioned by sickness, and that every Captain, or in his absence, occasioned by sickness, his Corporal shall at the least once in every fourteen

*The Captain of each such troop consisting of 20 men, shall have 8000 l. of Tobacco and Cask per Annum.*

*Corporals and private Souldiers pay.*

*The said troops shall be trained and Exercised once a Month.*

fourteen days, Range and Scout, about the Frontiers of the County, for which they serve, and in such other places as shall be most likely for the Discovery of the Enemy, under pain of forfeiting for every time, he shall neglect such Ranging and Scouting, one Thousand pounds of Tobacco and Cask; and that every Souldier that shall neglect or omit to appear at such Muster, shall forfeit one hundred pounds of Tobacco in Cask, and for not Scouting and Ranging as aforesaid, two hundred pounds of Tobacco and Cask, for every such default; all which Forfeitures to be Recovered by Action of Debt, by him or them, that will inform, the one half to the Informer, and the other half to the use of the County. And be it further enacted, by the auhtority aforesaid, that upon Notice, Advice, or Discovery of the Approach or Attempt of any Enemy, the said Captain or Corporal of the Troop, is hereby Required to give speedy Advice thereof, to some one or more of the chief Officers of the *Militia*, and he or they to his Excellency the Governour, the Right Honourable the Deputy Governour, or some one of the Honourable Council; and in the mean time, to observe and attend the Motion of the Enemy only, unless he shall obstinately persist to commit Acts of Hostility, and in such cases of Necessity to engage or destroy them, if he see cause; and in all things to attend and execute such Orders and Commands as he shall receive from the Governour and Council. And it is further enacted, That for their better Management, and Ordering their Horses, and making them fit for service, no Souldier presume to use or bring to service any other Horse, then that only which shall be first Mustered, and approved of, of which each Captain is to take such Particular Notice as that he may know the Horse again, unless in case such Horse shall be by some accident made unfit for service, in which case such Souldier may provide himself of another able Horse in his stead, which he is likewise not to part with, unless for his first Horse again: and this Act to continue in force for three years, from the first day of *January* now next ensuing.

*And shall once in every 14. dayes range & scout about the frontiers of the County for which they serve.*

*The Captain of the said troop upon approach of any Enemy, shall give Notice thereof to the Officers of the Militia.*

Provided always, and be it enacted by the Authority aforesaid, That the aforesaid Recited Act of the 8th. of *June*, 1680. Intituled, *An Act for the Continuation of the several Garrisons and Fortifications at the Heads of the four great Rivers*, be Repealed, and it is hereby Repealed for three years, under his Majesties good Liking, and after until

his Majesties Pleasure, shall be signifyed to the contrary, any thing herein to the contrary notwithstanding.

## VIII.

### An Act *imposing further Penalties upon any person or persons that shall Publish, or Declare that the* Acts *of* Assembly *of* Virginia *are not of force.*

THis Assembly taking into their serious consideration, that divers ill disposed persons, wickedly intending to invalid the Laws of this Country, and bring them into contempt and disrepute, have moved and stirred certain doubts, whether there be any Laws in force and efficacy, so as to be binding to his Majesties Subjects, being in this his Majesties Dominion of *Virginia*; for preventing of such mischiefs, Be it enacted by the Governour, Council and Burgesses of this General Assembly, and it is hereby Enacted and declared, That if any person or persons shall at any times after the Publishing this Present Act, maliciously and advisedly publish and declare, by words or writing, the Acts of Assembly of *Virginia*, not repealed, expired, vacated or annulled by the Kings Most Excellent Majesty, are not of force, or binding within this his said Majesties Dominion, to all his Majesties Subjects inhabiting, or being therein, such person or persons so offending, shall be adjudged, deemed and taken to be factious and seditious, and contemners of the Laws, and being thereof lawfully Convicted, shall for the first offence be fined one Thousand Pounds of *Tobacco*, and suffer one months Imprisonment, without Bail or Mainprize; and for the second offence, Two Thousand Pounds of *Tobacco*, and two months Imprisonment, and for every such offence after, double the Penalties and Forfeitures aforesaid, one half of which Forfeitures to the Kings Majesty, his Heirs and Successors, and the other half to the Informer, to be recovered by action of Debt, in any of his Majesties Courts, in this his Majesties Country; which said Penalties are to be added and

imposed

imposed over and besides all other Punishments that may be legally inflicted on such Offenders.

## IX.

### An Act *Repealing an Exception in the 9th* Act *of* Assembly, *made* Anno 1664.

WHereas the 9th Act of Assembly made at *James City*, the twentieth day of *September*, 1664. Intituled, *An Act concerning Arrests in Court-time*, exempt the Inhabitants of *James-City-County* from the benefit thereof, leaving them lyable to Arrests in time of General Courts and Assemblies, which is found injurious to many of the Inhabitants of the said County; Be it therefore enacted by the Governour, Council and Burgesses of this General Assembly, and it enacted by the authority aforesaid, that the latter clause of the said Recited Act, whereby the Inhabitants of the said County are excepted out of the said Act, be repealed and made void, and that the Inhabitants of the said County, have equal benefit of the said Recited Act, with the other Inhabitants of this Country.

*The Inhabitants of* James-City-County, *freed from Arrests, during the General Assembly.*

Provided alwayes nevertheless, that this Act shall not extend to the Inhabitants of *James-City*, but that they and every of them, shall be lyable to Arrests in Court-time, as though the Exception in the said Act of Assembly, *Anno* 1664. did still remain in full force, any thing in this Act before mentioned to the contrary notwithstanding.

*But not the Inhabitants of* James-City.

## X.

### An Act *that Witnesses be free from* Arrests.

FOrasmuch as many Persons Summoned or Subpena'd as Evidences in Causes depending in the Courts of this Countrey many times fail in appearing, for fear of being Arrested, when they appear at Courts as Witnesses, where-

whereby many times many Inhabitants of this Countrey lose their Suits and just due; Be it enacted by the Governour, Council and Burgesses of this General Assembly, and it is enacted by the Authority aforesaid, that from henceforth all Persons Subpena'd as Evidences, or Witnesses in any Cause or matter depending in any Court in *Virginia*, shall be free from Arrests for any Debts or Trespass, except at the Kings Suit, during their Attendance at Courts, and their direct coming to Court, and Returning Home.

# XI.

## *An* Act *for the Encouragement of the Manufactories of Linnen and Woollen Cloth.*

BE it Enacted by the Governour, Council, and Burgesses of this General Assembly, and it is hereby Enacted by the Authority aforesaid, That what person or persons soever shall produce to the County-court, where he or they shall Reside, a Certificate under the hands of two Justices of the Peace of the same County, (whereof one to be of the *Quorum*) that such Person or Persons have produced to them upon Oath, of his or their own Growth or Manufacture, a greater or lesser Quantity of Flax Seed, Hemp-Seed, or either of them, shall have given and allowed him or them for encouragement to persist in so useful a Manufacture for every peck of flax-seed, four and twenty pounds of *Tobacco*, and for every Peck of Hemp-seed, twenty pounds of *Tobacco*, for which the County-Court is impowered to give every person or persons Certificate thereof, attested by their Clerk, which shall be a sufficient proof to the General Assembly to order the said person or persons their said encouragement out of the Publick Levy; provided such Certificate from the Justices to the County-Court, be filed at the Court, and fixed up there, to the intent that all persons whatever, may have a view of the same. And be it further Enacted by the authority aforesaid, that what person or persons soever, shall by his industry of his own growth and manufacture work up his flax and Hemp, fit for the spindle, and

*24 l. of Tobacco allowed by the publick for every peck of Flax-Seed, of the Growth of the Country, and 20 l. of Tobacco for every peck of Hemp-seed.*

and produce the ſame to the next County-Court, or make the ſame appear by Certificate as aforeſaid for every pound ſo wrought up either of Flax or Hemp, he or they ſhall be allowed two pounds of *Tobacco* for his or their encouragement by the Publick, and a Certificate thereof ſhall be given from the ſaid County-Court, to the General Aſſembly, which Certificate ſhall be a ſufficient proof for him, to be allowed out of the Publick Levy. And be it further Enacted by the authority aforeſaid, that for the further and better encouragement of the aforeſaid Manufacture of Hemp and Flax, and for the working up our Wool into Cloth, that every perſon that ſhall make or cauſe to be made, the ſaid Hemp or Flax, ſo wrought to the Spindle as aforeſaid into Linnen-Cloth, that ſuch perſon or Perſons ſhall be allowed for every Ell of ſuch *Linnen*, that ſhall be three quarters of a yard wide or more, ſix pounds of *Tobacco*, and for every yard of Woolen-Cloth or Linſey *W*oolſey of the like breadth ſix pounds of *Tobacco*, to be paid by the Publick; ſuch perſon or perſons producing the ſaid Linnen or *W*oolen-Cloth, or Linſey Woolſey to the County-Court, where he or they ſhall reſide, who are hereby required and empowered to examine and enquire, and take proof, that the ſaid Linnen, or Woolen, or Linſey-Woolſey, are of their proper growth and manufacture, and accordingly Certifie the ſame to the next Aſſembly, which Certificate ſhall be received as proof to the Aſſembly, for the allowing thereof, out of the Publick Levy. And whereas it is well hoped, that by the encouragement aforeſaid, there will be ſuch great quantities of Flax-Seed, and Hemp-Seed, produced in this Country, as will abundantly furniſh the Inhabitants for the end ands purpoſes hereafter mentioned, and that the Inhabitants be remembred carefully to provide themſelves ſeed the next enſuing year for the year following; Be it further enacted by the authority aforeſaid, That every Tythable Perſon that ſhall be in the Countrey in the year 1684. according as he is uſually noted, or ſet down in the Liſt of Tythables, ſhall make or cauſe to be made, one pound of Dreſſed Flax, and one pound of dreſſed Hemp, or two pounds of either, and yearly, and every year thereafter, under the Penalty of fifty pounds of *Tobacco*, for every pound of *F*lax or Hemp neglected or omittted to be made as aforeſaid, the ſame to be paid, the one half to the County, the other to the Informer, by ſuch Maſter, Owner, or Overſeer, of any family or company of *S*ervants or any other Tythable that ſhall be found to neglect or omit as aforeſaid,

*Allowance for Flax or Hemp wrought.*

*Allowance for the ſame made into Cloth, alſo for Woollen Cloth, and for Linſey-Woolſey.*

*For Every Tythable in the year 1684. ſhall be made one pound of Flax and one pound of Hemp dreſſed, or two pounds of either and ſo yearly after.*

foreſaid,& for the better diſcovery of ſuch neglect or omiſſion, that all Maſters, Owners, or Overſeers, who have the charge of Families, and company of Servants and other *Tythables*, ſhall at ſome convenient time before the laying of the Levy in the Reſpective Counties, produce before ſome Juſtice of the Peace of the County, the aforeſaid quantity of Hemp, or Flax, as is herein enjoyned to be made, and the ſame deliver upon Oath, which Oath the ſaid Juſtice is hereby impowered to adminiſter, that the *Flax* or Hemp ſo produced, is of his own growth and manufacture. And be it further enacted by the authority aforeſaid, that there ſhall be allowed and paid out of the Publick Levy, for every well-wrought Hat, made of Wool or Furr in this Country to the maker thereof, ten pounds of *Tobacco*; and for every dozen pairs of mens or womens woolen or worſted Hoſe, twelve pounds of *Tobacco*, to be proved and certified in ſuch manner and form, as in this Act before is expreſſed, for Linnen and Woolen-cloth.

*The Penalty of a Default.*

*Allowance by the Publick for Hats made of Wool or Furr of the growth of this Country.*

Provided alwayes neverthele ſs, and it is the true intent and meaning of this Act, that this Law ſhall continue in force, until the tenth day of *November*, which ſhall be in the year of our Lord 1685. and no longer, any thing in this Act before contained to the contrary notwithſtanding.

*The time this Act ſhall continue in force*

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## XII.

Obsolete

## An Act *for the Advancement of Manufactures of the growth of this Country, and for the better and more ſpeedy payment of Debts and Levies.*

FOr encouragement of Manufactures and improvement of Commodities of the growth of the Country, and alſo aſcertaining the Rates and Prices *Be* it enacted by the Governour, Council and *Burgeſſes* of this General Aſſembly, that all Debts either in Money or *Tobacco*, contracted after publication hereof in this his Majeſties Colony and Dominion of *Virginia*, where the Debtor upon demand of the Creditor, cannot pay the ſame in ſpecie or kind, and ſhall upon his Oath declare before ſome one

one Justice of the Peace, (which Oath the said Justice is hereby impowered and required to administer) the summ of money or quantity of *Tobacco* he hath here or else-where, and shall make tender of so much toward payment of his Debt, that then and in such case it shall and may be lawful for every such Debtor to make payment of his Debt or the Remainder thereof in the Commodities and Manufactures of this Country hereafter mentioned, at the Rates and Prices hereafter following, *viz.*

*Debts may be paid in Commodities of the growth and Mnnufocturos of this Country.*

Tobacco at ten shillings *per Cent*; Wheat, *English* Pease, and Galavances, at four shillings, or forty pound of Tobacco *per* Bushel; Barley, Oates, and all other *Indian* Pease, at three shillings seven pence farthing, or thirty six pound of Tobacco *per* Bushel; *Indian* Corn shelled, two shillings, or twenty pound of Tobacco *per* Bushel; Flax from the break or Swingle, seven pence farthing, or six pound of Tobacco *per* pound; Hemp rended, pealed, or braked, four pence three farthings, or four pound of Tobacco *per* pound; Wool washed before shearing, nine pence three farthings, or eight pound of Tobacco *per* pound; Butter six pence, or five pound of Tobacco *per* pound; Tallow four pence three farthings, or four pound of Tobacco *per* pound; Fresh Pork with head, feet, and leaf, or without, twelve shillings, or one hundred and twenty pound of Tobacco *per* Cent; Fresh Beef, ten shillings, or one hundred pound of Tobacco *per* Cent; Inch Plank for one thousand foot, fifteen shillings, or one hundred and fifty pound of Tobacco; Tar in Barrel, cont. thirty two Gallons, fifteen shillings, or one hundred and fifty pound of Tobacco; Pipe-Staves *per* thousand, six-score to the Cent. three pound, or six hundred pound of Tobacco; Hogshead-Staves *per* thousand, six-score to the Cent. two pound eight shillings, or four hundred and eighty pound of Tobacco; Barrel-Staves *per* thousand, six-score to the Cent, one pound thirteen shillings seven pence farthing, or three hundred thirty six pound of Tobacco Buck-Skins drest, each two shillings four pence three farthings, or twenty four pound of Tobacco; undrest one shilling two pence farthing, or twelve pound of *Tobacco*; Doe-Skins drest, each one shilling nine pence halfpenny, or eighteen pound of Tobacco, Undrest, eleven pence, or nine pound of Tobacco.

*At what Rates such Commodities shall be valued.*

Which Commodities must be at the time of tender, good, sound, wholsom, and Merchantable, in their kind; and if any difference happen therein, the same shall be determined by two of the Neighbourhood, appointed and requir-

ed

*Vhis Act extends not to quit Rents, & Customs.*
*How long this Act is to continue in force.*

ed thereunto, by the next Justice of the Peace. Provided: and it is hereby enacted and declared, that this Act or any thing therein contained, doth not extend to the Quit-Rents or other his Majesties Dues or Customs.

Provided always neverthelefs, and it is the true intent and meaning of this Act, that this Law shall continue in force, until the tenth day of *November*, which shall be in the year of our Lord, 1685. and no longer, any thing in this *Act* contained, to the contrary notwithstanding.

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## XIII.

### *An Act for the Publick Levy.*

Obsolete

BE it enacted by the Governour, Council, and Burgesses of this General Assembly, and the Authority thereof, that the sum of eighty nine pounds of *Tobacco* be paid by every tythable Person within this his Majesties Colony and Dominions of *Virginia*, for the payment and defraying of the publick charge of the Country, being the publick Levy for this present year, and that it be paid by the collectors of the several counties, to the several Persons, to whom it is proportioned by this Present General Assembly.

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FINIS.

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Ralph Wormeley Esq

July y^e 1th 1695

And by him given to Robert Beverley

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| [illegible] | [illegible] |
| [illegible] | [illegible] |
| [illegible] | [illegible] |
| [illegible] | [illegible] |
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[illegible]

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[illegible]

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W. [illegible]

[illegible] - - 15.1705
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W. [illegible]

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- 2.1710

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King & Ancaster

1 A B of this County planter came before C D & E F. two Justices of the peace for ye said County and voluntarily confest and acknowledged himself indebted unto J K in the sum of —— tobacco to be paid convenient to a Landing. In witness whereof he hath hereto set his hand and Seal ye — day of — Ano Dom —

A B. (Seal)

Certified to C C T. Clerk of the said County Court.

C D
E F.

A warrant to appraise stray horses mares or cattle. 11. a. 1705

King & Ancaster

2 Upon complaint of A B that he hath taken up a one black horse about 14 hands high Branded —— and hath published ye same at the Churches and Court according to Law, and no owner appears. I do therefore hereby order that C. D. & E. or any two of them being first sworn before a Justice of this County do appraise the same according to the true value in their Judgement to be sold. and that their certificate therein be taken for the true value of the said horses mares or cattle Given under my hand ye — day of — Ano Dom —

Signed by ye Justice.

The like is to be done for a boat taken up adrift. wherein ye burden and built of the boat must be described. instead of the stature and colour of ye cattle.

A warrant to view a fence upon a trespass done 13. a. 1705.

K Q ss.

3 Whereas complaint is made to me — one of his Maj:s Justices of the said County by A.B. that Beasts have broke through his fence and done great damage in his corn field desiring my warrant to have his fence viewed according to the Law in that case provided. I do therefore hereby in his Maj:s name order & require. C.D. &c. honest housekeepers in ye neighbourhood of the said A.B.'s corn field to go without delay and view the said fence and to take memorandums of ye same — in order to future evidence in ye said trespass. Given under my hand the — day of — Anno Dom —.

Issued by ye Justice.

A warrant against one for riding — anothers horse &c. 11. a. 1705.

K Q ss.

Whereas complaint is made to me — 4 one of his Maj:s Justices of ye said County by A.B. that C.D. hath taken and rode his horse on [illegible] last, whereby he hath incurred ye penalty of fifteen shill. to ye said A.B.

I do therefore hereby in his Maj:s name will and require you to demand & receive fifteen shill. of the said C.D. for ye use of the said A.B. and on his failing in payment thereof to bring him before me or some other Justice of this County to shew his reasons. And you are then to summon to ye same time ye evidences of the s.d A.B. and make return of this warrant. Given under my hand ye — day of — A.o —

To ye Sher of — K Q County or Deputy.
or to — Constable

A Recognizance of ye Witness to appear and give evidence in ye foregoing case.

R. E. ss.
7 Before AB gent one of his Maj.ties Justices of ye peace for ye said County cometh W of plantr. and acknowledgeth himself indebted to Our Lord the King in ye sum of — pounds curr.t money of Virg.a to be levied upon his lands & tenements goods and Chattells with condition That if the said W. shall appear at the Court to be holden for this County ye — day of — and there give in his evidence concerning facts whereof Our FT stands accused, then this recognizance to be void, otherwise to be & remain of full force power & virtue. In witness whereof the sd W. hath hereunto set his hand & seal ye — day —

W. Seal.

Before me.
The Justice &c.

A warrant against Divulgers of false news.
91. a. 1661.

Kd ss.

5 Whereas information is given to me that A B hath forged and divulged false rumors and reports to the great disturbance of ye peace &c particularly that [there recite ye report]

These are therefore in his Maj^s name to will and require you to bring the said A B before me to give security for his appearance at ye next Court for this County to answer the premisses and produce the author if he hath any. Herein fail not, as also to make due return of this warrant. Given under my hand the — day of — Ano Dom —

To ye Sherif of Kd County
or his Deputy.
Or to — Constable.

A mittimus for a criminal before his Examination in a County Court.
31. a. 1705.

Kd ss.

6 A B gent one of his Ma^s Justices of ye peace for King & Queen County to ye Sherif of the said County Greeting. I send you herewith the body of FT brought before me and charged with the felonious taking of [or whatever other crime is it ought to be specially recited] hereby requiring you in his Maj^s name immediately to receive the said FT and him safely keep in the Goal of ye said County, untill a meeting of the Court of this County for further examination of the said felony ~~and that the said FT be further examined~~ on ye — day of — [which day must be set by him within ten days and not less than five] and that you summon ye Justices of this County to meet that day at ye Court house ~~there~~ in order thereto. Given under my hand and seal ye — day of — Ano Dom —.

A warrant against Dissenters of [illegible]
9.br. 1681

Wher[eas] information is given [illegible] that A.B. hath kept and divulged [illegible] and [illegible] to the great [illegible] of ye peace & particularly [illegible]
[illegible]
These are therefore in his [illegible] name to [illegible] and require you [illegible] the said A.B. [illegible]
[illegible]
of the said [illegible]
[illegible] of this warrant. Given under my hand this — day of — An. Dom. —

[illegible]

A [illegible]
[illegible]
31 [illegible] 1705

[illegible]

A mittimus for sending a criminal to ye County Goal for his tryal, after examination in ye County Court. 31. a. 1705.

K. Q. ss.

9 Whereas F T upon examination at a Court held for this County ye — day of — Ano Dom — was remanded to Goal in order for his tryal for feloniously taking &c [here reciting the true cause of Commitment]

Those are therefore in his Majs name to authorise and require the Sherif of ye sd County of — to remove the said F T from his said Goal according to Law to the keeper publick Goal at Williamsburgh with power likewise to impress such & so many men horses sloops and boats as shall be necessary in his passage for ye safe conveying the said prisoner to the publick Goal aforesaid. Hereby also requiring the keeper of ye said publick Goal immediately to receive the said Prisoner and him safely keep in his said Goal untill he shall be thence deliver'd by Order of his Majs Laws. Wherein they as well the Sherif of the said County as the keeper of the said publick Goal are not to fail in their several charges as they will answer for their contempt at their perills. Given under our hands and Seals the — day of — Ano Dom —

Sign'd & Seal'd

By 2. Justices one being of ye Quorum

Mittimus for a Criminal Slave. 9. a. 1705

K. Q. ss.

A B. gent one of his Majs Justices of ye peace for —
9 County to ye Sherif of ye sd County Greeting. I send you herewith ye body of F T slave of — ~~Charged~~ before me with the Crime [what ye fact is] hereby in his Majs name requiring you, that imediately you receive ye said F T and him safely keep in ye Goal of your County untill he shall be thence deliver'd by due course of Law. Herein fail not at your perill. Given &c.

A warrant for levying the fine upon profane swearing, cursing, being drunk, absenting from Church, or breaking the sabbath. 24. a. 1705

K. G. &c

10 ~~Whereas S is convicted~~ It being duly proved before me that S did [profanely swearing, or what else it is] on the — day of — [which must be within two months]. at — in the parish of — whereby he hath forfeited five shillings to the use of the poor of the said parish. These are therefore in his Maj^s name to will and require you to ~~demand~~ receive of the said S five shill or fifty pounds of tobacco (and your costs) (for the Churchwardens) to the use of the poor of the said parish, and if he fails in present payment, that you require sufficient caution for payment of the same at the laying of the next levy for the sd parish, and if he fails for giving such caution; that you levy the same upon the goods and chattels of the said S. and if he fails in offering you such goods & Chattels that then you cause him to be stript and tied and to receive ten lashes on his bare back well laid on. Given under my hand the — day of — Ano Dom —.

This may be directed to the Sherif or Constable. &c.

[illegible]

[illegible]

[illegible]

A warrant to Levy ye military Fines laid by ye Court martial. 20. a. 1705.

14 A B Commander in Chief of ― County to the Sherif of the said County Greeting.

Forasmuch as you have returned to me that D S was required to pay [one hundred pounds of tobacco] in which he was fined by the Court of field Officers and Captains held at the Court house of this County the ― day of October last for inspecting the Captains returns of the musters &c, and hath refused to pay ye same upon ye order of the said Court. You are therefore hereby required to levy ye same by distress and sale of ye goods and Chattels of the said D S. to the uses appointed by Law, rendring to the said D S the overplus upon such sale if there be any. Hereof fail not at your peril. Given under my hand the ― day of ― Ano Dom ―.

A warrant on not attending for clearing the high ways. 32. a. 1705.

K & L ss

12 Whereas complaint is made to me by S H a surveyor of the high ways in this County that D L belonging to his precinct, did not attend his duty on ye high ways ye ― day of ― as the said S H had appointed.
These are therefore in his Maj's name to will and require you to command the said D L to pay unto the said S H five shill curr money with your costs: and on his failure therein to bring him before me [or some other Justice of this County] to shew his reasons for refusal if he has any. Herein fail not also make due return hereof. Given under my hand &c.

To ye Sherif &c
Or Constable

The like may be agst ye Surveyor himself for 15 sh. if his road be not kept in good order

Warrant to Levy of Military Fines by y^e Court Martial. 20. 2. 1705.

A.B. Gentleman in Chief of — County to the Sheriff of the said County Greeting:

Forasmuch as you have returned to me that C.D. was required to pay Two hundred pounds of tobacco [ ] in which he was fined by the Court of Officers and Captains held at the Court House of this County the — day of October last for misbehaving [illegible] the Captains [illegible] of the [illegible] and hath refused to pay the same upon [illegible] of order of the said Court. You are therefore hereby required to [illegible] Distress and take of y^e goods and chattels of the said C.D. to the value [illegible] appointed [illegible] belonging to the said C.D. [illegible] [illegible] Given under my hand the — day of — in the Year —

Warrant on the [illegible] [illegible] 20. 2. 1705.

[illegible]

A warrant for Comitting a Runaway Servt or Slave to ye Constables - in order to be returnd to his master. 40. a. 1705. 7

Ss: &c: sct.

13 A B gent one of his Maj. Justices of ye peace for ye said County to C D Constable and to all other Constables to whom these presents shall come Greeting. I send you herewith a *taken up by a runaway man/woman servant/slave to M of —— County, hereby in his Maj. name requiring you to receive him/her into your custody & give him/her [not exceeding 39] lashes on his/her bare back well laid on, under penalty of forfeiting 200 pds of tobacco according to Law, which done you are to deliver him/her to the next Constable to be conveyd from Constable to Constable untill he/she shall be brought home to his/her said masters house. Given under my hand ye —day of—

v. fol. 16.

* taken up by —— at ——

A warrant for comitting a runaway Servt or Slave, in order to be sent to ye publick Goal his owner not being known. 40. a. 1705.

Ss: sct

16 A B gent &c as above.

I send you herewith a runaway man servant/woman slave who cannot or will not declare his/her masters name he/she was taken up by —— at —— hereby in his Mas. name requiring you to receive him/her into your custody, and give him/her [not exceeding 39] lashes on his/her bare back well laid on, & under penalty of forfeiting 200 pds of tobo— according to Law, which done you are to deliver him/her to the next Constable to be conveyd— from constable to contable untill he/she shall— be brought to the keeper of the publick Goal at Williamsburgh. Given &c.

17 Received y<sup></sup>e — day of — Ano Dom — from C D. a runaway man servant / woman slave to — of — County committed by warrant of A B Justice of — County I say received by me

Rec<sup></sup>t for a runaway whose master is not known.

18 Received y<sup></sup>e — day of — Ano Dom — from C D a runaway man servant / woman slave whose masters name is not known, and stands committed by warrant of A B. Justice of — County to the publick Goal. I say rec<sup></sup>d by me

Certificate of a runaway taken up & sent home. 4o. a. 1705.

King & Queen &c

19 I do hereby certifie that A B of — County this day [struck out] brought before me a runaway named R slave / servant to — of — County which said slave / servant he took up at — which in my Judgement is — miles distant from the said masters house / quarter the place where y<sup></sup>e said slave / servant was kept Given under my hand y<sup></sup>e — day of — Ano Dom —

Certificate of a Runaway taken up & sent to y<sup></sup>e publick Goal. 4o. a. 1705

K & Q &c.

20 I do hereby certifie that A B of — County this day brought before me a man / woman said to be a slave / servant and runaway, but either will not or cannot declare his / her masters name or abode. which man / woman the s<sup></sup>d A B took up at — plantation in — County: And for want of y<sup></sup>e masters name is sent to y<sup></sup>e publick Goal at Williamsburgh. Given &c.

[illegible]

A warrant upon taking up a runaway sailer in order to return him to ye Ship. 8. a. 1710

[illegible] ss.
21 AB gent one of his Majs Justices of ye peace for the said County to CD Constable and to all other constables to whom these presents shall come Greeting.
I send you herewith a runaway Seaman called R belonging to the Ship —— now riding at —— in —— River whereof is master —— who was taken up by —— at —— I do therefore in his Majs behalf hereby require and command you to receive the said R into your care and custody and him safely to convey to ye next Constable to be conveyed from constable to constable untill he shall be brought on board the said Ship, or some other Ship according to ye direction of ye Law in case the said Ship be sail'd out of this Country. Given &c

Certificate of taking up a runaway Sailer in order to ye Reward. 8. a. 1710.

[illegible] ss.
22 I do hereby certifie that AB of —— County this day brought before me a runaway Seaman named R who confest himself to belong to the Ship —— riding at —— in —— River, whereof —— is at present master. which said Seaman the said AB took up at —— which in my Judgement is —— miles from the said Ships place of Anchorage. Given &c.

Certificate for a wolfs head upon oath or affirmation. 6. a. 1720.

[illegible] ss.
23 I do hereby certifie that AB of —— County brought before me a wolves head & made ~~affirm~~ oath that the same was killed in this County, ~~[illegible]~~
Given under my hand &c

Certificate for a wolfs head upon proof not sworn. 6. a. 1720

24 KQsc. I do hereby certifie that AB of — County brought before me a wolves head and gave me satisfactory testimony that ye said wolf was killed by [his slave, or a boy under 14 years of age as ye case shall be] at — in this County. Given &c.

A certificate on killing an unmarked hog 12. a. 1705.

25 KQsc. I do hereby certifie that AB made oath before me that on ye — day of — he killed an unmarked hog about the age of — upon his own land [or unpatented land] and that there were then no marked hogs in company with ye sd hog besides his own. Given under my hand ye — day of — Anno Dom —

Certificate of a cooper sworn for making tobacco hhds. 37. a. 1705.

26 KQsc. I do hereby certifie that AB of — County hath made oath before me that he will not willingly or wittingly set up any tobacco hhd of a larger size than is allowed by Law, and that he will tare or cause to be tared with a marking Iron or branding Iron every tobacco hhd that by him shall be set up with the true weight thereof on the bulge and head of the hhd together with the first letter of his proper name and Sir name. Given &c.

Certificate of a person sworn that keeps a servant cooper for making tobo hhds. 37. a. 1705.

27 KQsc. I do hereby certifie that AB of — County hath made oath before me that he will not willingly or wittingly suffer or permit any tobacco hhd to be set up of a larger size than is allowed by Law, but will use his utmost indeavour

indeavour to prevent the same, and also that every hhd which shall be set up by his servant shall be tared with a marking Iron or branding Iron with the true weight thereof on the bulge and head of the hhd, together with the two first letters of his proper name and Sirname. Given &c

28 Certificate by two Justices in behalf of a prisoner in Ex^o having tendered his whole Estate. 30. a. 1705.

[illegible] ss

At request of AB who, as he saith, hath lain three months in prison under execution for debt at the suit of CD of —— County, We do hereby certifie that the said AB hath made oath before us that he hath tendered to —— sheriff in whose custody he is, all his whole Estate for & towards satisfaction of the said debt, and that he hath no Estate left either real or personal, save only one suit of cloths not exceeding the value of fifty shillings. Given under our hands &c

29 Warrant to view weigh and mark tob^o upon ~~Certificate of~~ a tender made in February before two Justices when y^e tobacco was not demanded before y^e last of Jan^y. 37. a. 1705.

[illegible] ss

Whereas complaint is made before us by AB that he being indebted unto CD of —— County in the sum of —— pounds of sweetscented / aranoco tobacco, the said CD hath hitherto refused or neglected to send for or Receive y^e same, and that the said AB hath his tobacco ready to comply with y^e debt in all respects and makes tender thereof according as the Law allows him in order to be discharged from the said CD. We do therefore ~~in his Maj^s behalf~~ hereby nominate and appoint P, Q, & R to view the said tobacco being first sworn before one of his Maj^{ts} Justices of this County, and if they find it merchantable

[illegible]

[illegible] 1805.

[illegible]

[illegible]

[illegible]

unmerchantable to weigh and mark the same for the said CD. And in order to the[illegible] we do farther hereby in his Maj^s name order & require you the Sherif of this County of — or his Deputy to summon y^e s^d P Q & R to the performance thereof and that you take under their hands an account of what they shall do therein, and make return thereof to us. Given under our hands y^e — day of February Anno Dom —

30 Certificate by y^e s^d 2 Justices to y^e County Court upon return of y^e View. 37. a. 1705.

To y^e Wor^{ps} Court of — County.

At the request of AB we do hereby certifie to the said Court that on y^e — day of — upon application and tender of y^e s^d AB of — tobacco which he said he owed unto CD and the s^d CD till that time had refused or neglected to demand or receive the same, We did appoint P Q & R — honest and able men of the neighbourhood of y^e said AB upon their oaths to view the said tobacco and if they found it unmerchantable to weigh and mark the same for the credit of the said CD. and thereupon we have received a return of their view and proceedings, which we have hereto annexed. Witness our hands &c —

31 A warrant for levying the fine for disturbing the minister in Divine Service, or for appearing in any unseemly or undecent gesture in Church at such time the first offence. 13.a.1680.

K. &c. ss.

A B gent one of his Maj^s Justices of y^e peace for y^e County of — to y^e Sheriff of y^e ~~s^d~~ County Greeting.

It being duly proved before me, that

or thus.

It appearing to my own view that D of — County planter in the Church of — parish the — day of — did [recite y^e fact] whereby he hath incurred the fine of two hundred pounds of tobacco and cask according to Law. I do therefore in his Maj^s behalf hereby order and require you to demand and receive of the said D the said two hundred pounds of tobacco and cask, and upon his refusal ~~of pay~~ or delay of payment thereof to levy y^e same upon the goods and chattels of the said D to the use of our Lord the King his heirs and successors, and for so doing this shall be your warrant. Given under my hand &c —

32 If it be not y^e first offence

After reciting y^e fault go on thus

whereby he hath incurred the fine of five hundred pounds of tobacco and cask according to Law, this being y^e second [third &c] offence of that nature. I do therefore hereby in his Maj^s behalf hereby order and require you to demand and receive of the said D the said five hundred pounds of tobacco and cask and upon his refusal or delay of payment thereof to Levy &c —

[illegible]

[illegible]

[illegible]

33 A License by a Justice of peace to some of ye tributary Indians to fish oyster or gather wild fruits & Roots &c 42. a. 1705.

K Q ss A B gent one of his Majs Justices of ye peace for ye said County to all whom these presents may concern Greeting—

Whereas C D & E Indians of ye Town of —— have desired my license for them and 6 others their companions to fish and oyster [or to gather Tuckahoe, cuttanimmons, wild oats, rushes, puccoon, and other wild fruits & roots] according to their wonted custome at ———— in this County. I do therefore hereby according to ye power given me by Law in this Case license and permit the said C D & E and their said companions in their said desire for the space of —— days from ye day of ye date hereof; provided none among them carry any gun ammunition or offensive weapon, but only such tools as shall be necessary for their aforesaid services, and that they return according to the time limited them. Given under my hand &c.

~~I think by ... ~~

K d L. County ss A Proclamation.

A & B. gent Justices of ye peace for ye said County to all whom these presents may concern Be it known & manifest, that intimation is given to us that R. N. &c negro slaves of —— of —— County are runaway from him, and ly out lurking and doing mischief in this County, and will not be taken. These are there- fore in his Majs name to will and require the said Slaves and every of them forthwith to surrender themselves, and to authorise and require ye Sheriff of this County to take such power with him as he shall think fit and necessary for ye effectual ap- prehending the said Slaves: and to go in search of them, if they or any of them continue to ly out. And further we do declare ye Law to be such that after this proclamation shall ~~hath~~ been once published at the door of any Church or Chappell in this County It will then be lawfull for any person whatever to kill all or any of the said Slaves, that do not immediately return ~~home~~, without impeachment of any crime for ye same. Given under our hands ye day of Ano Dom.

To be published by ye Clark or Reader at ye door of each Church or Chappell in ye County, on a Sunday after Divine Service ended.

A warrant for committing a runaway that has crost Chesapeak Bay and is taken up in a County adjoyning to ye Bay. 40. a. 1705.

Virg ss

18 A.B gent one of his Maj^s Justices of ye Peace for ye County of —— to ye Sherif of ye sd County Greeting. I send you herewith one RS a runaway manservant/woman slave to M of ye County of [redacted] on ye other side of ye Bay taken up here by —— at —— hereby in his Maj^s name requiring you to receive him/her into your custody and give him/her [not exceeding 39] lashes on his/her bare back well laid on; which done you are to cause him/her to be transported cross Chesapeak Bay and deliver'd there to some Constable to be conveyed from constable to constable untill he/she shall be brought home to his/her said masters house. Given at ——

Another, when ye runaway has also got up into a County remote from ye Bay.

Virg ss

19 A B gent one of his Maj^s Justices of ye peace for —— County to CD Constable, and to all Sherifs and other Constables whom these presents may concern, Greeting.

I send you herewith one RS a runaway manservant/woman slave to M of the County of —— on ye other side of ye Great Bay, taken up here by —— at —— hereby in his Maj^s name requiring you to receive him/her into to your custody and give him/her [under 39] lashes on his/her bare back well laid on. which done you are to deliver him/her to the next constable to be conveyed from constable to constable until he/she shall be brought to some Sherif of —— County on ye Bay side, which Sherif is to take and cause RS to be transported cross the said Bay & deliver'd there to some constable to be conveyd from constable to constable untill he/she shall be brought home to his/her said masters house. Given ——.

35 An Attachment granted by a Justice upon ye private removall of a Debtor out of the County. 46. a. 1710. -

K. Ss

Complaint being made to me by C that D is privately removed out of this County or so absconds that process cannot be served upon him, and is indebted to ye said C such a Sum

Theseare therefore in his Majs name to will and require you to attach so much of the Estate of ye sd D as will be of value sufficient to satisfie the said debt and costs, and the same in your hands to secure or so to provide that it may be liable for payment thereof upon farther proceedings therein to be had at the next Court to be held for this County: to which you are to make a return of this writt with an account of what you shall do there upon Given under my hand &c —

To the Sheriff of
. . . . . . . County
Or his Deputy.

37. A warrant to imprison a disobedient Soldier (the confinement must not exceed 10. days)

Forasmuch as A B of —— Troop/Compa in —— County is proved before me mutinous and disobedient at a muster of ye said Troop/Compa ye —— day of —— in the muster field of the said —— Canton. Know ye therefore that I —— Captain & commanding officer there present do hereby in his Majs name order and command the keeper of the Goal of the said County, to receive ye body of the said A.B, herewith sent, and him safely keep in ye Goal of ye said County without Bail or main prize, for the space of ten days according to the Militia Law, making return of his proceedings therein to me, wherein he is not to fail on his peril. Given under my hand the —— day of —— Anno Dom. 1721.

End

To His Excellency

# FRANCIS

## LORD HOWARD,

## BARON of *EFFINGHAM*,

## His MAJESTIES

LIEUTENANT and GOVERNOUR GENERAL

OF

# VIRGINIA.

*May it please your Excellency*,

THough I know it a high Presumption in me to affix so great a *Name* to these *Papers*, yet I likewise very well know how hainous and apparent a *Premunire* I should incurr against all *Equity* and *Justice*, and in more particular manner against my *bounden Duty* to your Lordship, to Entitle any other to their Protection, or to set up any *Foreign Power* to be Supream and Paramount to that of your *Excellency's* over them: You my Lord being at this time seated in the great and honourable Stati-

on of *Governour General* under his moſt *Sacred Majeſty*, of that Place which the ſubject Matter of theſe *Papers* particularly relate to.

My Lord, Thoſe many Gracious and Regal Grants and Priviledges which his moſt *Excellent Majeſty* and *Royal Anceſtors* (*of ever bleſſed Memory*) have from time to time beſtowed upon this his Majeſties *Colony* of *Virginia*, ſince the firſt Settlement of the *Engliſh* there, have given being to theſe *Laws* for the better Government thereof; it being impoſſible for any number of Men to be at Peace or to flouriſh and proſper without good *Laws*, which are the firm Pillars of Government, and the ſtrong Bonds of all Humane Society. One had as good live in a Deſart amongſt Savage Beaſts, as among Men without *Law* to defend him; for *Laws* are the Hedges on either ſide the Road, which hinders from breaking into other Mens Propriety.

*Laws* are every Mans Civil Armour, that Guards him from the Gripes of Rapine and all other Outragious Aſſaults and Inſolencies, and indeed 'tis for this chiefly that *Laws* are of uſe amongſt us, not only to be our Guide, but alſo our Shield.

The Great and Univerſal Monarch of the World, the Supream Being, at firſt, in the very Infancy of Time gave unto Man a Law upon *Parole*, inſcribed in his heart, that by thoſe inward Dictates he might be guided and bounded in the whole Courſe and Road of his Life; but ſuch has the Pravity of Humane Nature been, that this Divine Inſcription is in a great meaſure defaced; ſo that Kings and Princes have found it of abſolute neceſſity to give Literal and Preſcripted *Laws* for the Government and Wellbeing of Mankind in their reſpective Places and Societies.

These

These Papers being a Collection of the *Laws* of this Place, presume not to Instruct your *Excellency*, who in the fair Volume of your great Mind have all the *Laws* of Equity and Justice engraven, and the vast Universal *Idea* of whatever can be call'd good in Mankind is there stamp'd. But my Lord, these Papers which contain *Laws*, and therefore ought to preserve others from Calumny and Censures, yet cannot themselves; humbly crave your Excellencies Patronage, which proves a Sanctuary to all Goodness, so well as your Power is a Terror to all Vice.

The Design of this Collection of *Laws* is the Good of the Inhabitants of this Place, for *Laws* though Enacted, stand in little stead and use till they are promulgated and made known to all persons concerned in the Obedience of them: Not my Lord that I accuse all the Inhabitants here with ignorance of their Duty, but, may it please your Excellency, The knowledg of all things that are good, the more diffusive the better, and I hope my Lord, that my honest and good intent herein will lessen and expiate in some measure my presumption in this Dedication to your Excellency.

Your Illustrious Fore-fathers have been always famous for their constant and exemplary Loyalty to their *Prince*, and some of them have received the Signal Marks of Royal Bounty. Your Excellency has eminently and deservedly partaken of both, for his most Sacred Majesty ( whom God grant long to Reign) seeing you treading in the same Steps of Loyalty with your Vertuous and Noble Ancestors, hath in his Princely Wisdom been pleased to entrust your Lordship with the Weighty and Honourable Employment of *Lieutenant* and *Governour General* of *VIRGINIA*.

How

How happy is his Majesty in so Wise and Faithful a Subject and Minister! And how happy is your Excellency in serving a King whose Wisdom cannot only discern and justly value, but whose Goodness and Power can also Recompence the Merits of a Subject never so great!

But my Lord, I dare not extend my self upon your Excellencies Panegyrick, which is an infinite Subject, and requires the Pen of the most Skilful Orator: I shall therefore content my self to admire with other Men what I cannot comprehend, lest I should offend and be injurious to your Excellency by my little and weak Expressions, which are far below my thoughts, and my thoughts far below your great and high Merits; which necessarily forces all Men (whose happiness 'tis to know your Lordship) to aspire, and I more than all others, to take the liberty to write and stile my self

*My most Honoured Lord,*

*Your Excellencies*

*most Humble*

*most Devoted*

*and most Obedient Servant*

*J. P.*

received his Ordination from ſome Biſhop in *England*, and ſhall then ſubſcribe to be conformable to the Orders and Conſtitutions of the Church of *England* and the Laws there eſtabliſhed; upon which the Governour is hereby requeſted to induct the ſaid Miniſter into any Pariſh that ſhall make preſentation of him: And if any other Perſon pretending himſelf a Miniſter, ſhall contrary to this Act preſume to Teach or Preach publickly or privately, the Governour and Council are hereby deſired and impowered to ſuſpend and ſilence the Perſon ſo offending: And upon his obſtinate perſiſtence to compel him to depart the Countrey with the firſt Convenience, as it hath been formerly provided, by the 77 Act made at *James* City the 2 of *March*, 1642.

*ceived his Ordination of ſome Biſhop of* England.

## V.

## Miniſters *to provide* Readers. 1661.

THat every Pariſh not having a Miniſter to Officiate every Sunday, to make Choice of a grave and ſober Perſon, of good Life and Converſation, to read Divine Service every intervening Sunday at the Pariſh Church, when the Miniſter preacheth at any other place.

*Divine Service to be read each other Sunday.*

## V I.

## Liturgy *to be Read.*

THat the Canons ſet down in the Liturgy of the Church of *England* for celebrating Divine Service and Adminiſtration of the Sacraments, be duly obſerved and kept: And that the whole Liturgy, according to the ſaid Injunctions, be by the Miniſter or Reader at Church and Chappel every Sunday throughly read.

*Canons and Liturgies of the Church of* England *to be obſerved.*

## VII.

## Church Catechism.

*No other Catechisme but that in the Common-Prayer to be used.*

THat neither Minister nor Reader teach any other Catechism then that by the Canons appointed and inserted in the Book of *Common Prayer* : And that the Minister expound no other then that: That our Fundamentals at least may be well laid, and that no Reader upon presumption of his own abilities do attempt the expounding that or any other *Catechism* or the *Scriptures*.

## VIII.

## Ministers *to Preach Weekly*.

*Ministers to preach Weekly.*

*Sacraments to be Administred at least twice in the year.*

THat the Minister of every Parish preach constantly every Sunday : *Viz.* One Sunday in a Month at each *Chappel* of *Ease* in his Parish, if there be any, and the other in his Parish Church, and that twice a year at least he administer the *Sacrament* of the *Lords Supper* there.

## I X.

## Sundays *not to be prophaned*.

*The Lords day to be kept Holy.*

*Divine Service and Preaching to be diligently attended.*

THat the *Lords day* be kept *Holy*, and that no Journeys be made on that day, except in Case of emergent Necessity ; And that no other thing be used or done that may tend to the Prophanation of that day : But that all and every person and persons inhabiting in this Countrey, having no lawful excuse to absent, shall upon every Sunday and the four Holy Days hereafter mentioned, diligently resort to their Parish Church or Chappel accustomed, then and there to abide orderly and

and ſoberly during the time of *Common-Prayer*, *Preaching*, or other Service of God, upon penalty of being Fined Fifty pounds of *Tobacco*, by the County Court upon preſentment made by the Church-Wardens, who are to Collect the ſame with the Pariſh *Levies*: Provided always, That this Act conclude not *Quakers* or other *Recuſants*, who out of Non-conformity to the Church, totally abſent themſelves, but that they ſhall be liable to ſuch Fines and Puniſhments as by the Statute of 23 of *Eliz.* are Impoſed on them; being for every Months abſence Twenty pounds *Sterling*; and if they ſorbear a Twelve-month, then to give good ſecurity for their Behaviour, beſides their payment for their Monthly abſence, according to the Tenor of the ſaid Statute: And that all *Quakers* for Aſſembling in unlawful Aſſemblies and Conventicles, be fined and pay each of them there taken 200 *l.* of *Tobacco* for each time they ſhall be for ſuch unlawful Meetings preſented by the Church-wardens to the *County Courts*.

Repealed by Stat. A°. Primo Willi & Maria Entituled an Act for Exempting their Maties Protestant Subjects Dissenting from the Church of England, from the Penaltyes of certain Lawes.

*Quakers to be preſented as by 23 Eliz.*

*Preſentments of Defaulters to be made by the Church-wardens.*

## X.

## January *the 30th. to be kept a Faſt.*

WHereas our late Surrender and Submiſſion to that execrable power that ſo bloodily maſſacred the late King *Charles* the Firſt of ever bleſſed *Memory*, hath made us by acknowledging them, guilty of their Crimes, to ſhew our ſerious and hearty repentance and deteſtation of that Barbarous Act; Be it Enacted, That the Thirtieth of *January*, the day the ſaid *King* was Beheaded, be annually ſolemnized with *Faſting* and *Prayers*, that our Sorrows may expiate our Crime, and our Tears waſh away our Guilt.

*A yearly Faſt on the 30th. of January.*

XI. May

## XI.

## May 29th. to be kept holy.

*The 29th of May to be Celebrated as an Holy day.*

SInce God of his Mercy hath been pleased to Restore our late distracted Kingdoms to Peace and Unity; And his late distressed Majesty to the Throne of his Royal Ancestors: Be it Enacted, That in Testimony of our Thankfulness and Joy, the Twenty-Ninth of *May*, the day of his Majesties Birth and happy Restitution, be annually Celebrated as an Holy day.

## XII.

## *None to be* Married *but by* Ministers, *nor by them, but by* Licence, *or publishing the* Banes.

*Marriage to be performed by Ministers only, and according to the Laws of England.*

*None to be Married without Licence or publication of Banes.*

*The Penalty.*

THat no Marriage be solemnized or reputed valid in Law, but such as is made by the Minister according to the Laws of *England*; And that no Minister Marry any person without *Licence* from the *Governour* or his *Deputy*, or thrice publication of Banes according to the prescription of the *Rubrick* in the *Common-Prayer Book*, which enjoyns, That if the persons to be Married, dwell in several Parishes, the *Banes* must be asked in both Parishes, and that the Curate of the one Parish shall not solemnize the *Matrimony* until he have a Certificate from the Curate of the other Parish that the *Banes* have been there thrice published and no objection made against the Parties joyning together: And if any Minister shall contrary to this Act Marry any persons, he shall be Fined Ten thousand pounds of *Tobacco*: And any pretended Marriage made by any other then a Minister be reputed Null; and the Children born out of such Marriage of the Parents, esteemed illegitimate: And the Parents suffer such punishment as by the Law prohibiting Fornication ought to be Inflicted.

XIII. Church-

## XIII.

## Church-wardens *to make* Presentment.

THat the Church-wardens shall twice every year, *viz.* In *December* Court and *April* Court, deliver a true Presentment in Writing of such Misdemeanors, as by their Knowledge or by common Fame have been commmitted whilst they have been Church-wardens, namely Swearing, Prophaning Gods holy Name, or Sabbath abusing, or contemning his holy Word and Sacraments, or absenting themselves from the Exercise thereof: As also of those foul and abominable sins of Drunkenness, Fornication, and Adultery; and of all Malicious and Envious Slandering and Backbiting: for the better manifestation whereof, the said Church-wardens are Impowered to Cause all such Persons upon whose reports they ground their Presentments, to appear at the respective *County* Courts, to which the Presentments are made, to give in their Evidences concerning the same.

*Church-wardens shall make Presentments of all Misdemeanors twice in the year.*

*Presentments for what.*

## XIV.

## *Burying of* Servants *or others privately, prohibited.*

WHereas the private Burial of Servants and others, give occasion of much Scandal against divers Persons, and sometimes not undeservedly, of being guilty of their Deaths; from which, if the person suspected be Innocent, there can be no Vindication, nor if Guilty no Punishment, by reason they are for the most part Buried without the Knowledg or View of any others then such of the Family, as by nearness of Relation, as being Husband, Wife, or Child, are unwilling, or as Servants, are fearful to make discovery if Murther were Committed: for Remedy whereof, as also for taking away that Barbarous Custom of exposing the Corps of the Dead, by making their Graves in Common and Unfenced Places,

*Private Burials prohibited.*

D to

*Places to be set a-part for Publick Burial.*

to the prey of *Hogs* and other *Vermine* ; Be it Enacted, That there be in every Parish Three or Four, or more Places appointed, according to the greatness or littleness of the same, to be set a-part and fenced in for Places of *Publick Burial* for that *Precinct* : And further, That before the Corps be Buried, there be at least three or four of the Neighbours called, who may in case of Suspicion view the Corps ; and if none, yet according to the decent Custom of all Christendom, they may accompany it to the Grave. And be it further Enacted, That no persons, whether Free or Servants, shall be Buried in any other place than those so appointed, unless such who by their own Appointments in their life time have signified their desire of being interred in any particular place else where.

## XV.

## Church-wardens *to keep the* Church *in repair and provide* Ornaments.

*Churches to be Repaired.*

*A Great Bible, two Common-Prayer-Books, a Communion Cloth and other Ornaments to be provided.*

*Church-wardens to Collect the Ministers Dues.*

AND it is further Enacted, That the said Church-wardens take care, and be impowered during their Church-wardenship, to keep the Church in Repair, provide Books and decent Ornaments: (*Viz.*) a Great *Bible*, two Comon Prayer Books, a Communion Cloth and Napkins, a Pulpit and Cushion, this present year and after annually : something towards Communion Plate, Pulpit Cloth and Bell, as the Ability of the Parish will permit : And that they the said Church-wardens do faithfully Collect the Ministers Dues, Cause them to be brought to Convenient places, and honestly pay them, and that of all their Disbursments and Receipts they give a true Account to the *Vestry* when by them required, who are impowered by a former Branch of this Act to levy the same upon the Parish, and by this to give the said Church-wardens a sufficient Discharge.

XVI. Regi-

## XVI.

## Regiſters *to be kept by the* Miniſters *or* Readers.

WHereas many Differences do frequently ariſe about the Age of *Orphans* , and *Inquiries* are often made for perſons imported into this Countrey and here deceaſed , and no poſitive Certificates can be granted of the Age of one, or Death of the other , by reaſon no *Regiſters* have been kept , which might by the Records there entered, evidence the ſame. Be it therefore Enacted, That the Miniſter or Reader of every Pariſh ſhall well, truly, and plainly Record all Births, Burials, or Marriages that ſhall happen within the precincts of that Pariſh, in a Book to be provided by the *Veſtry* for that purpoſe , and if any Maſter of a Family, or other perſon concerned, ſhall omit the giving Notice to the ſaid Miniſter or Reader of the day of the Birth, Death, or Marriage of any to him or them related , the ſpace of a Month , ſuch perſon for ſuch his Neglect be Fined One hundred pounds of *Tobacco* , and that the Miniſters have for their Entry of ſuch Birth , Death, or Marriage, Three pounds of *Tobacco* , and if they neglect Entering the ſame as aforeſaid, that they be Fined upon diſcovery made of the ſaid Neglect, Five hundred pounds of *Tobacco* to the uſe of the Pariſh.

*Births, Burials , and Marriages, to be recorded.*

*The neglect to be fined.*

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## XVII.

## Licences *for* Marriage *how to iſſue.*

ANd whereas many times Licences are granted, and the perſons are married out of the Pariſhes , which Licences have been uſually granted by the Governours, whoſe knowledg of perſons cannot poſſibly extend over the whole Countrey : Be it Enacted , That henceforward, all perſons deſiring Licences for Marriage, ſhall firſt repair to the Clerk of the *County Court* , and there give Bond with good Security, that there is no lawful

*How Licences for Marriage are to be granted.*

Cauſe

Cause to obstruct their said Marriage: And that upon Receipt of such Bond, the said Clerk shall write the Licence, and Certify to the first in Commission for that County, or such other, whom it shall please the Governour to depute, that he hath taken a Bond as aforesaid, who by vertue thereof shall sign the said Licence and direct the same to the Ministers. And to the end that the Legal Grant of the said Licence may be made evident, and the Governour ascertained of his just Dues, It is further Enacted, That the said Clerk shall yearly, in *September Court* return the Names of the parties Married, and of the Security to the *Secretarys Office*, there to be recorded; And further, That he deliver an account of the Fees due for the said Licences to the Sheriff or Collector of the County, who is hereby required to collect the same with the Levies, and to make payment thereof to the Governour and others to whom they are due; And any Clerk making default in any of the premises, to forfeit one Thousand pounds of *Tobacco* to the use of the Governour, the Fees for the Licences to be as followeth: *viz.* To the Governour Two hundred Pounds of *Tobacco*, or Twenty Shillings *Sterling*; To the Clerk for writing the Bond Licence Certificate, and returning the same to the Office, Fifty Pounds of *Tobacco*: And to the Secretary, for recording the same in the Office as aforesaid, Forty Pounds of *Tobacco*; and the Minister marrying with a Licence Two hundred Pounds of *Tobacco*, or Twenty Shillings *Sterling*; if by Banes Fifty Pounds of *Tobacco* or Five Shillings.

*Fees for* Licences *how to be levied.*

*The Fees ascertained.*

# XVIII.

## *Provision for a* Colledge.

WHereas the want of able and faithful Ministers in this Countrey deprives us of those great Blessings and Mercies that always attend upon the Service of God; which want, by reason of our great distance from our Native Countrey, cannot in probability be always supplied from thence: Be it Enacted, That for the Advance of Learning, Education of Youth, Supply of the Ministry, and Promotion

motion of Piety, there be Land taken up or purchased for a Colledge and Free School: And that there be with as much speed as may be convenient Housing erected thereon, for entertainment of Students and Scholars.

*A Colledge and Free-School.*

Whereas an ancient Practice of this Countrey, hath contrary to Law and Reason ignorantly vested the Lands of persons intestate in the hands of Administrators; of whom divers persons have purchased and hold their Lands by no other Titles than such Sales, which can be of no validity against the Claim of the King, whom no time can prescribe, and to whom if an heir appear not, the Land must of necessity devolve: And if the King should at any time give express Order to an Escheator to make enquiry into the Titles we hold by, the said Escheator, cannot by vertue of his Office but find all such Lands for the King; Which we *Francis Morison* and *Thomas Ludwel*, who are at present Intrusted by his Majesties Treasurer, to make composition of all Lands so escheated to his Majesty; taking into our serious Consideration, and out of our tender Care of many poor men, who by the loss of Lands, thus perhaps dearly purchased and honestly paid for, and out of our sense of the many Inconveniences and great Damages would fall upon them by being ousted out of their Possessions, by the severity of a too rigorous Escheator; And that on the other side, we might not seem to debar his Majesty of his just Rites, we have thought it convenient to propose a certain Rule for compositions of all Lands held by any pretended Right two years, by which, while the power is in our hands, we shall proceed; and if the Assembly think it a Favour, we shall joyn with them, making it our request to *Major Norwood* his Majesties Treasurer, to get his Majesty to confine them, that no succeeding Escheator may at his pleasure rigorously exceed these our moderate and reasonable Demands.

*Lands of persons Intestate.*

1. We concede that any person, having been two years in possession of any Land, that ought to have been vested in his Majesty by Escheat, shall pay for his Composition but One Hundred Pounds of *Tobacco*, for every fifty Acres, besides the Fees for finding the Office and drawing the Conveyance.

2. That every person, having been so in possession two years, as aforesaid, shall have Eight Months time to Petition for, and make their Composition: But if they defer it longer, and another sue for it and obtain it, they can impute the Blame to nothing but their own Neglect.

3. That where there is a Widow, she shall enjoy the Land of her Husband during her life, and be admitted in the first place to make her Composition for the Fee-simple, in case she signifie her desire within the time aforesaid.

4. That all Lands Escheated before the two years aforesaid, the person concerned shall pay for his Composition as aforesaid: But all Lands which shall hereafter lapse, or which have lapsed within the two years last past, the Composition to be made for, with those by his Majesties Treasurer appointed and authorized thereunto: And that the Widdow be admitted, in the first place, she making her Claim within Eight Months according to the Proposition abovesaid.

## XIX.

## COURTS.

Courts *formerly called* Quarter Courts, *to be henceforth stiled* General Courts.

WHereas the name of *Quarter Courts*, is altogether unsuitable to the nature of those Courts held by the Governour and Council, both in respect there are but three of these Courts in the year, as also because they are not equally distributed in the Quarters of the year, *September* and *November* being too near, and *March* too long from them to admit of that Title. Be it therefore Enacted, That the said Courts be no longer Stiled *Quarter Courts*, but that they be henceforth called *General Courts*, a Name more suitable to the Nature of them, as being places where all Persons and Causes have generally Audience, and receive Determination.

Whereas the Acts of Assembly already made, are very defective in prescribing the Rules to be observed in the Proceedings, both in those General and the Particular *County*

*County Courts*; for want whereof many Errors are committed, the respects due to the Courts, so nearly representing his Majesties Sacred Person, by the clamorous unmannerliness of the people lost: and the order, gravity, and decorum, which should manifest the Authority of a Court, in the Court it self neglected: And in regard the long omission of those hugely material, though in themselves little things of form, hath caused all things still to continue in the first Disorders; It hath appeared necessary to this present Grand Assembly, to set down the Rules and Forms themselves, for the beginning, continuance, and proceedings in the said Courts as followeth. And it is therefore Enacted, That the *General Courts* begin and continue as followeth.

*Rules for the beginning, continuance, and proceedings in Courts.*

*General Courts to begin and continue.*

That *March Court* begin the Twentieth of *March*, if it be not Saturday or Sunday, and then the Monday following, and hold Eighteen days, not accounting Sundays in the number.

That *September Court* begin the Twentieth of *September*, if it be not Saturday or Sunday, and then to begin the Monday following, and hold Twelve days, not accounting Sundays in the number.

That *November Court* begin the Twentieth of *November*, if it be not Saturday or Sunday, and then to begin the Monday after, and hold Twelve days, not accounting Sundays in the number.

That Adjournments of the said Courts be always avoided, and that they begin precisely upon the day, that all persons knowing the day of the return of the Writs, may accordingly give their Attendance.

*Stile how Entred.*

*How the Stile of the Court shall be entred.*

That the Stile of the Court be entred thus,

A*T a General Court held at* James City *the Twentieth of by His Majesties Governour and Council in the year of the Reign of our Soveraign Lord* CHARLES

CHARLES *the Second, by the grace of God of* Great Britain, France, *and* Ireland, *King, Defendor of the Faith,* &c. *and in the year of our Lord God present.*

Insert the Names of the Governour and Council.

*Manner of proceeding in Court.*

Silence commanded, then let the Cryer or Under-Sheriff make Proclamation, and say,

O *Yes! O Yes! O Yes! Silence is commanded in the Court while His Majesties Governour and Council are sitting, upon pain of Imprisonment.*

Suitors to appear.

After Silence commanded, let the Crier make Proclamation, saying,

A*LL manner of persons that have any thing to do at this Court, draw near and give your attendance; and if any one have any Plaint to enter or Suit to prosecute, let them come forth and they shall be heard.*

When Silence is thus commanded, and Proclamation made, upon calling the Docket the Cryer shall call for the Plaintiff.

Calling the Plaintiff.

A. B. *come forth and prosecute thy Action against* C. D. *or else thou wilt be Non-suit.*

And the Plaintiff putting in his Declaration, the Cryer shall call for the Defendant.

Calling for the Defendant.

C. D. *come forth and save thee and thy Bail, or else thou wilt forfeit thy Recognizance.*

*Warrants for Proceedings to be issued by the Clerk.*

For Proceedings in the said Courts, Warrants to be issued by the Clerk.

XX. *Actions*

## XX.

### *Actions to be proportioned.*

*Actions shall be proportioned to the number of Twenty for each day.*

BE it Enacted, That Warrants be issued by the Clerks of the General Courts, and the said Clerk so proportion the number of his Actions, that there be for each day Twenty: And that until there be Twenty Actions entred for the first day, no Warrant issue for the second; and then Twenty for the second before any issue for the third: and so proportionably Twenty *per* day, for so many days as there are Actions to fill with that number: It being unreasonable that the Governour and Council should wait a Week for a straggling Business entred at a particular mans pleasure. And in case any special Warrant issue, that for the extraordinariness of the business may require the Governours own signing: It is Enacted, That the person first go to the Clerk, and there enter his Action, and the day of the Return, before his Warrant shall be signed.

*At what time Warrants may be served.*

And whereas some scruples have arisen about the time Warrants may be served, *viz.* Whether ten days before the Return, that is the day mentioned in the Writ to appear, It is hereby declared that Warrants may be served at any time, if there be ten days between the Serving and the Return as aforesaid: And further, That it may be done in Court time for the same Court, if there be ten days between the Serving.

## XXI.

## Courts *to sit from Eight to Eleven of the Clock in the Forenoon, and from One to Three Afternoon.*

*How long Courts shall Sit.*

BE it also further Enacted, That the Court shall each day sit from Eight of the Clock to Eleven in the Forenoon; and from One to Three in the Afternoon. And for avoiding all Errors that may happen in the Draught for the Orders by the Clerk, either through his misapprehending the sense of the Court, or the partial Information of any person concerned, which he being distracted with the multitude of Business may unwittingly assent to, That all Orders of the day be by the Clerk drawn up against next Morning, and then read in open Court in presence of the Plantiff and Defendant, if they will be present, when Rule will be given by the Court for Amendment of Errors, if any be, before they be Entred upon Record; and the Plantiff or Defendant, if they have any new matter of Plea, shall then have liberty to plead it in Arrest of Judgment: And the Orders thus publickly read and confirmed, shall be signed by the Secretary, which shall remain upon File in the Office for the full justification of the Clerk, who is to enter them in the Book of Records.

*Amendment of Errors.*

## XXII.

## *The* Plaintiff *to File his* Declaration *Three days before the day of Hearing.*

*Declarations to be filed three days at least before Pleading.*

ANd whereas the Clerk is enjoyned to enter Twenty Actions for each day, and the Court to sit at certain hours, so also it is hereby Enacted, That the Plantiff File his Declaration in the Office, at least three days before

before the day of Hearing: in which time the Defendant may take a Copy thereof, the Original ſtill remaining in the Office, and provide his Anſwer in writing ready to preſent to the Governour and Council at the day of Hearing: And further, That if the Plantiff fail either in not appearing to proſecute, or in neglecting to File his Declaration, as is hereby enjoyned, he ſhall pay to the Defendant if he lived within Fifty miles of *James* City, One hundred and Fifty pounds of *Tobacco* for a Non-ſuit; and if he dwell further off, then Three hundred and Fifty pounds of *Tobacco* beſides his Amercement to the Publick. And if the Defendant make default, the Judgment to paſs againſt the Bail for the thing ſued for; or if no Bail be returned, then againſt the Sheriff, beſides his Amercement of One thouſand pounds of *Tobacco*, laid upon him by Act for not making Returns; Provided that the Bail and Sheriff have reſpite of Execution until the next Court: when if they bring in the perſon of the Party, the Judgment of the firſt Court granted to be reverſed, but the Amercement awarded againſt the Sheriff to continue and not be remitted.

*The Penalty of a Default.*

## XXIII.

## *Adjournment to the two laſt days for Determination of References by* Aviſare Volumus, *or Actions entred in Court time.*

AND whereas this Act enjoyns the proportioning ſo many Actions to a day, but gives liberty to Arreſt in Court time to the laſt days of the Court, and whereas ſome Caſes of Difficulty may be preſented, upon which the Court may deſire to adviſe. Be it therefore Enacted, That as ſoon as the Court hath ſat ſo many days as are filled with Actions, it ſhall be Adjourned to the two laſt days of that Court; and whatever the Court hath referred by their *Aviſare Volumus*, and all Actions entred in Court time as aforeſaid, ſhall be then tried and determined.

*Adjournment to the two laſt days for determination of References by A*viſare Volumus.

XXIV. *Crimi-*

## XXIV.

## *Criminal Causes to be tried at the* General Court.

*Crimminal causes to be Tried only at General Courts, and on the Fourth day.*

WHereas men of the greatest Abilities both of Judgement and Integrity, do usually meet at the General Courts, whither their Ocasions do frequently call them, and because any thing that concerneth Life or Limb, requires the ablest Juries to enquire of it: Be it Enacted, That all Criminal Causes, that concern either Life or Member, shall be tried at the *General Courts*, only the Fourth day of the said Courts; And because the Laws of *England* do enjoyn Juries to be chosen out of the Neighbour-hood where the Fact was committed; according to which the remoteness of our Habitations doth not admit us so fully to practice, as we desire; yet that we may come to them as near as possible we may, and because it is very requisite that part of the Jury, at least, should come from thence, who by reason of their nearer acquaintance with the business, may give information of divers Circumstances to the rest of the Jury: Be it therefore Enacted, That immediately after the commitment of any person found Criminal by the Grand Inquest, the Sheriff of the County to whose Custody he is committed, shall give notice thereof to the Secretaries Office at *James* City, and the Clerk of that Office shall presently send a *Venire Facias* to the said Sheriff to impannel Six men of the ablest and nearest of the Inhabitants of his County, to that place where the Fact was committed, to be of the Jury for Trial of that Cause, returnable the said Fourth day of the next General Court, where the said Jury-men are bound to appear, and for their Charges, the Countrey shall allow to each Man Twenty pounds of *Tobacco per* day, for each day they may be reasonably coming to, and returning from *James* City, and Fifty pounds of *Tobacco per* day, during their Attendance there about it, (*Viz.*) from the day they are by the Writ to appear, until they be discharged; and that the rest of the Jury be made up of the By-standers.

*Juries to be Chosen, out of the Neighbour-hood.*

*The manner of proceeding by* Juries *in Cases Criminal.*

*Sheriffs to Impanel Juries.*

*What Allowance Jurymen shall have for their Charges.*

XXV. *The*

## XXV.

## *The* Governour *and Two of the* Council *to go the Circuit.*

WHereas the Honourable Governour out of his singular care of his due Administration of Justice in all Courts, and that he might be the better enabled to render his Majesty an exact account of the Government, hath been pleased to take upon him and the Council, the pains of Visiting all the *County Courts* of the Countrey: Be it therefore Enacted, That the Honourable Governour and one of the Council, or upon the urgent Affairs of the Countrey hindering the Governour, that the Governour commissionate too of the Council for every River, yearly in *August*, to set Judges in all the County Courts, and there hear and determine all Causes then depending in them, by Action or Reference, from any other preceeding Court in that County: Provided no Councellor be appointed to go the Circuit in the River wherein he doth inhabit.

*The Governour or Two of the* Council, *whom he shall Commissionate: to go the Circuit yearly.*

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## XXVI.

## Appeals *how to be made.*

WHereas many appeals are made from County Courts to General Courts, and from General Courts to Assemblies, whereby the speedy Execution of Justice is often retarded, and many persons disabled by the Charge of going to *James City* to prosecute, are forced many times to desist from the Claim of their just Rights: Be it therefore Enacted, That for the avoiding Delays and for the ease of the Inhabitants, all Appeals made in any Court after the General Court in *March*, be referred to the Hearing of the Governour or Itenerary Councils in their Circuit, from whose Sentence there, if any person will

*Appeals from* County Courts, *how to be made, and to whom.*

appeal, if the Governour be present, shall be made to the next Assembly; if two of the Council, then to the next General Court: from which the said Councellors, during the Trial of such Cause or Causes, in which they had at the *County Courts* given their Opinions, shall be suspended; but because in the Winter time the *General Courts* are more frequent, and all Causes there receive a speedier determination, and because *Tobacco* being only then payable, may be paid in kind: It is Enacted, That all Appeals made from *October*, *December*, and other intervening *County Courts*, be made to the next succeeding General Court, and from thence to the Assembly, and because there may be as great Errors of Judgement or Will in matters of small value as in the greatest: It is further Enacted, That Appeals shall lie open, as aforesaid, for any thing of what value soever: Always provided, That the Appellant put in good Security for Prosecuting the Appeal, and payment of Fifty *per Cent.* Damages to the Defendant, if the Appellant be cast in the Suit for his unjust molestation: Provided also, That no Appeals be made from *Northampton County*, whose remoteness and dangerousness of passage, is such, as is not, for inconsiderable Causes to be attempted under the value limited by former Acts of Assembly, being Three thousand pounds of *Tobacco*, or Thirty pound *Sterling*, any thing in this Act to the contrary notwithstanding: And be it further Enacted, That all Causes of what Value or Nature soever, not touching Life or Member, may be tried at the *County Courts*; and that no Arrest be made to the *General Court* in any Action under the value of Sixteen hundred pound of *Tobacco*, or Sixteen pounds *Sterling*, upon penalty of Five hundred pound of *Tobacco*, to be paid by the Plantiff to the Defendant for his Charges.

Appeals *when they shall be made to the* General Court.

Proviso's *in case of* Appeals.

*In what Cases only* Appeals *are to be made from* Northampton County.

No Appeals *from* County Courts *to the* General Court, *save only in* Cases Criminal.

XXVII. Amer-

## XXVII.

## Amerciaments *in the* General Courts *Fifty Pound of Tobacco* per Cause, *in* County Courts *Thirty* per Cause.

WHereas many Suits are raised upon frivolous occasions by Litigous persons, for prevention thereof for the future, be it Enacted and Confirmed, That all persons whatsoever that are cast in any Cause, be they Plantiffs or Defendants, shall be amerced (besides the Damages and Costs to the Recoverers) Fifty pounds of *Tobacco* in *General Courts* to the use of the Publick, and in the County Courts Thirty pounds of *Tobacco* for the maintainance of the Commissioners; for the due Collecting whereof, be it Enacted, That the Clerks of the *General Courts*, and the several *County Courts*, keep an exact Account of the Amerciaments, and deliver or send the same to the several Sheriffs of the particular Counties, who are hereby required to collect the same with the Levies; and are accordingly impowered for Default of payment, to make Distress; and commanded not to return any Arrears (Executors and Administrators, who cannot pay without Orders, always excepted.)

Amerciaments *in* General *and* County Courts *stated.*

*An Account to be kept of* Amerciaments.

Sheriffs *to collect them.*

## XXVIII.

## Subpoena's *to be issued by the* Clerk.

BE it also Enacted, That the Clerk of the General Court shall issue *Subpœna's* from the Secretaries Office for all Evidences required in the Trial of any Cause there depending, if the Witnesses required do not dwell beyond the Bay, or the North side of *James River*; and if they do, that then a *Dedimus Potestatem* shall issue for taking the Deposition in the County or Counties, where the Witnesses

*When the* Clerk *shall issue* Subpœna's, *and when a* Dedimus Potestatem

*Evidence shall be given* viva voce *in* Cases Criminal.

Witnesses do dwell : Provided always, That in Criminal Causes all Witnesses be bound over to give in their Evidences *viva voce* at the Trial in the General Court.

## XXIX.

## Dedimus Potestatem *how to issue.*

WHereas many Causes between parties and parties, are lost for want of Evidence, who living so far remote cannot, but at a Charge and Expence far exceeding the value of the Cause, be brought to give it *viva voce*, at the General Court, or at the County Courts, if the party dwell out of the County ; or else a greater mischief is introduced, by the partial and illegal Examination of Witnesses in presence of but one party, before some one Commissioner, perhaps too favourably inclined to the party, in whose behalf the Depositions are taken ; besides the trouble, expence, and hindrance of the Witnesses themselves, who many times are forced One hundred Miles from the Place of their Residence, for a small allowance, to give Evidence in Trials of petty and inconsiderable values ; for remedy whereof, and that all Parties may with more convenience, less trouble and cost, have their Evidences impartially and legally taken : Be it Enacted and Confirmed, That if the Cause to be tried at the General Court, the Governour, if in any County Court, any one of the Council or the Judge of the Court, shall Grant and Sign a Writ of *Dedimus Potestatem*, for Examination of Witnesses, in the Counties where they dwell; directed to Three such Persons as the Plaintiff and Defendant, if they both desire the Writ, shall by consent make choice of and nominate ; but if it be the single request of either Plaintiff or Defendant, then the Governour, Councellor, or Judge of the County Court, out of Court time, shall nominate and appoint three or more such indifferent Persons to Examine all such Witnesses, as by the Party desiring the Writ they shall be moved to Summon before them ; and to this end the Commissioners thus made choice of, or appointed to execute the Writ, or any two of them, shall by the said Writ be impowered and required to appoint a time and place when and where they will receive the

*A* Dedimus Potestatem *in what Cases to be granted, by whom, and to whom it shall be directed.*

the Evidences, and to issue out *Subpœna*'s for their Appearances accordingly; and if upon such Summons any of the Witnesses refuse and neglect to come and give in their Evidences, then the Commissioners or any two of them, be further impowered by this Act to lay such a Fine upon them as the Act of Assembly gives in such Cases for Non-appearance of Witnesses at the General or County Courts: Provided always, That the Parties procuring the Writ, shall give the Party concerned against him, notice of the time and place, when and where the Commissioners intend to sit, at least ten days before the day appointed by the said Commissioners for putting it into Execution. And be it further Enacted, That the said Commissioners or any two of them, which take the said Examinations, shall immediately subscribe them, seal them and the Writ up, and return them with the Writ so sealed up, to the Clerk of the General Court, if the writ issue from the Governour, or else to the Clerk of the County Court whence the Warrant issued, by either of the said Clerks to be read at the time of the Tryals of the Cause, in either of the said Courts.

*The* Non-appearance *of Witnesses in case of a* Dedimus Potestatem *finable.*

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## XXX.

# Penalties *for Non-appearance of* Evidences.

BE it also Enacted, That the Penalties to be inserted in *Sub-pœna's* to the General Courts for Non-appearance of the Evidences summoned, be One thousand Pounds of Tobacco, and for like Default of the County Courts Three hundred and Fifty Pound of Tobacco, and that all Witnesses summoned to give in their Evidences at either of the said Courts, shall be allowed for their necessary time spent in coming and going to and from the said Courts, Twenty Pounds of Tobacco *per* day; and for the time they attend there until they have given in their Evidences, Forty Pounds of Tobacco *per* day; and because many, maliciously to aggravate the charge of the Suit, summon many more Witnesses then are needful; Be it therefore further Enacted, That there shall not be allowed in any Bill of Costs, the charge of

*Penalty of* Non-appearance *upon* Sub-pœna*'s.*

*Charges allowed to Witnesses.*

*The number of Witnesses limited.*

above Three Witnesses to any one Action, unless for proof of several Matters incident thereunto, which severally may require the attestation of Two Witnesses.

# XXXI.

## County Courts *Appointed.*

*County Courts their Institution, and how to be formed.*

BE it also Enacted for the more due Administration of Justice in the several Counties, and the greater ease of the People in obtaining the same, the Courts be continued in each County, as of long time hath been accustomed, and that the said Courts do consist of Eight of the most able, honest, and judicious Persons in the County; which Eight, or any Four of them, whereof one to be always of the *Quorum*, are to be impowered by Commission from the Governour for the time being to act, according to the Laws of *England* and of this Countrey, and to impower them severally, and out of Court, to act and do all such things as by the Laws of *England* are to be done by Justices of the Peace there. And be it further Enacted, That the Persons thus Commissionated, take the Oaths of Allegiance and Supremacy, and the Oath of a Justice of Peace, that they be called Justices of Peace, that the Courts be stiled County Courts; and further, That the Justices do keep the said Courts precisely upon the days appointed by this and former Acts of Assembly, (*viz.*)

*Members of* County Courts *shall take the Oaths of* Allegiance *and* Supremacy, *and the Oath of a Justice of Peace.*

*At what places, and when* County Courts *shall be held.*

*Henrico* the 1 day
*Charles* City the 3 day
*James* City the 6 day
*Isle of Wight* the 9 day
*Nanzemond* the 12 day
*Lower Norfolk* 15 day
*Elizabeth* City the 18 day
*Warwick* County the 21 day
*York* County the 24 day
*Nothampton* the 28 day,
*New Kent* the 28 day,
*Gloucester* the 16 day,
*Lancaster* the
*Rappahanoch* the
*Surry* the
*Northumberland* the
*Westmorland* the

And

And all Adjournments by all means possible be avoided, and that all the Justices of the said Courts respectively, shall duly attend the same, and shall not depart or absent themselves from thence without the licence and consent of the rest of the Justices there present; and if any of them shall happen to have a lawful Cause of absence, it is thought fit that in such Cases they shall upon the First day of the Court, signify the same to the Court by Writing, and that they make good proof of the Truth thereof at the next ensuing Court, or else being delinquent in the premises, every Justice so offending shall forfeit for every time of his absence Three hundred pounds of *Tobacco*, to be imposed by the Court, and disposed of to the good of the County.

## XXXII.

## *No* Arrest *without Entry of* Action.

BE it also Enacted, That all Actions to the *County Courts* and *Subpœnas* for Witnesses, or in *Chancery*, be first entred with the Clerk of the County, or his known Deputy, before any Arrest made or Summons served, under Penalty of Five hundred pound of *Tobacco*, to be levied upon the Sheriff that shall presume to serve any Process contrary to the Tenor hereof: And be it Enacted, That the Plantiff in any Action, shall at least the day before the Court, enter his Bill of Complaint, and leave it in the Clerks hands, that the Defendant if he will may have a Copy thereof, and accordingly provide his Answer, but the Original Declaration or Bill to be always filed in the Office.

*Actions to be entred before Arrests.*

XXXIII. *The*

## XXXIII.

## *The* Defendant *to put in his Answer.*

AND be it further Enacted, That for the better regulating and keeping the Records, and transfering the President to Posterity, as also for prevention of new Suits upon mistake of the grounds of others, that as the Plantiff, both in *General Courts* and *County Courts*, files his Declaration, so the Defendant in both those Courts shall also put in his Answer in writing, and that the Judgement, if for the Plantiff, be endorsed on the Declaration, if for the Defendant on the Answer; and further, That all Evidences concerning that Cause, be filed together with them, and by the Clerk carefully preserved.

*Answers to Declarations shall be filed.*

## XXXIV.

## *Form of Entring the* Court.

BE it also Enacted, That the Form for Entring the Stile of the Court, Proclamation for Silence, the Cryers calling the Plantiff and the Defendant to Answer, be observed in the County Courts, as well as in the General Courts, varying only in the Title of the Court and the Assessors.

*Form of Entry in* County Courts.

## XXXV.

## Court *not to take* Cognizance *of any thing under Two hundred Pounds of* Tobacco.

AND be it also Enacted, That the Court shall not take Cognizance of any Cause under the value of Two hundred pounds of *Tobacco*, or Twenty Shillings *Sterling*, which a private Justice may, and is hereby authorized

thorized and impovvered to hear and determine. And whereas many Vexatious persons do very much trouble the Courts and their Neighbours for babbling words, sometimes passionately but not maliciously spoken, Be it therefore Enacted, That no Action be admitted for Defamation in any Court, where the words are not Actionable; and further, that there be no words Actionable, but such as if true, might have brought the person to suffer Punishment by Law; any other to be cast out of the Court, and the Plantiff to be Non-suited: not that liberty is hereby given or intended to any scurrilous person to abuse others at his pleasure, but that his Majesties Courts be not for such Brawls forced to wave matters of greater consequence: and because offences of this Nature may be determined by a particular Justice, who is hereby impowered to bind the persons so offending to the good Behaviour, or if they find not good security for the same, to commit them to Prison till they find it.

*Of what things Courts shall take Cognizance.*

*What Defamations are actionable.*

## XXXVI.

## Private Courts *Prohibited.*

WHereas many things are acted, and Administrations granted at private Courts, which tends to the apparent Damage of divers of the Inhabitants of this Country, Be it therefore Enacted, That no private Courts be kept, but that all business triable or grantable, by or at the County Courts, be tried and granted in open Court at the times and places by Law appointed: Provided always, That it shall and may be lawful for the dispatch of Merchants and other Sea affairs, which cannot without much prejudice and detriment to the said Merchants or Masters, be deferred till the Courts in course should come, it is Enacted, That it shall be lawful for any Justice of the *Quorum*, by his Warrant directed to the Sheriff, to call a particular Court, and to summon any person or persons before them.

Private Courts *prohibited.*

*A Proviso made.*

## XXXVII.

# Trials *by* Juries.

*Juries appointed as well in County Courts as in the General Courts.*

WHereas the Seventieth Act made in 1642, and continued, by the Ninety first Act 1657, seems to restrain both Plantiff and Defendant from trial by Juries, unless the Plantiff in his Declaration, or the Defendant upon entry of his Appearance, do desire the same; which restriction is quite contrary to the Law of *England*; by which, the trial of all matters of Fact is as appropriate and inherent in the Jury as matter of Law is in the Judges; for which causes, and that we may in all our Trials come as near as may be to the Laws of *England*, by which we are to be governed, as our present Capacities will admit, Be it Enacted, That every morning the Court sits, whether the General or County Courts, the Sheriff of the County in which it sits, shall impannel a Jury to attend the Court that day, to try such Causes as the Court shall find proper to be referred to them; and that when ever a Jury is sent out, an Officer sworn to that purpose shall keep them from Meat and Drink, until they have agreed on their Verdict.

## XXXVIII.

# Grand Juries *to present* Offenders.

WHereas the several Laws instituted and made for the redress of several Misdemeanors and Offences, either through the remissness of the County Courts, or the Justices that keep the same, or else through the Defect of the Laws, in not appointing some peculiar Officers to look narrowly after the Offenders, and to make presentment thereof to the said Justices at their County Courts; by which means the Laws themselves are slighted and contemned and become wholely useless and ineffectual: Be it therefore Enacted and Confirmed, That Juries of Inquest be Impanneled and Sworn in every County, to enquire of breach of all

all Penal Laws in their several Counties, and that they make Presentment thereof to the General County Courts twice yearly (*Viz.*) in *April* Court and *December* Court; when the Justices are to receive them; and find them according to Law, and to take for Evidence the Presentment of the Jury, if made upon the certain knowledge of any of them; or otherwise the Parties that inform the Jury to give their Evidence to the next Justice, in presence of the Party presented; which Deposition being produced by the Jury with their Presentment, shall be sufficient ground for the Court to pass Judgment against the Offenders.

Grand Juries *shall in each* County *twice a year make* Presentments.

## XXXIX.

## Pillories *to be Erected at each* Court.

WHereas many Offences are punishable by the Laws of *England* and of this Countrey with Corporal Punishments, for executing whereof no such Provision hath been made as the said Laws require: Be it therefore Enacted, That in every County, the Court cause to be set up a Pillory, a pair of Stocks, and a Whipping-Post near the Court House, and a Ducking-Stool, in such place as they shall think convenient; that such Offenders as by the Laws are to suffer by any of them, may be punished according to their Demerits; and the Court not causing the said Pillory, Whipping-Post, Stocks and Ducking-stool, to be erected within Six Months after the Date of this Act, shall be fined Five thousand pounds of *Tobacco* to the use of the Publick.

*A* Pillory, *a* Whipping Post, *and a* Pair *of* Stocks, *&c. to be set up in every* County.

## X L.

## Fines *to be disposed of by the* Assembly.

WHereas divers Trespasses against the Publick, are punishable by Fines, which are by the present Law to be disposed of to the use of the Counties in which the Trespass is committed, and yet nothing done for the good of any County, as was intended; whereby

whereby it may be presumed that the said Fines are either not gathered, whereby the Trespassers by this lenity and impunity are encouraged to persist in their contempts of the Laws, or else the said Fines are by some evil Common-Wealths-men perverted to their private uses; for prevention whereof for the future, Be it Enacted, That the Courts shall only lay and collect the Fines, and that they cause the Clerk of their respective Courts to keep an Account thereof, and to return the Estreatments to the Clerk of the Assembly at *James City*, by the third of the General Court held there in *March* yearly.

*Courts only shall impose and collect* Fines.

And it is further Enacted, That the said *Clerk* of the Assembly do annually attend accordingly, during the time, at the place aforesaid, to receive them, and at the next Assembly to present them to the Burgesses, who are to order the disposal of the said Fines, as to them shall seem most necessary for the good and benefit of the several respective Counties wherein they accrued due; always proportioning to every County the use of all the Fines which were levied therein.

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## XLI.

## Supersedeas *by whom, and how grantable.*

WHereas the Writ of *Supersedeas*, hath of late been too frequently granted upon slight pretences of Error in the Court, thereby not only injuriously delaying Justice, and keeping Men from their just Dues, but also bringing Calumnies and Aspersions upon the Courts themselves; Be it therefore Enacted, That no *Supersedeas* whatsoever shall hereafter be granted, but by the Governour and two of the Council, nor by them, unless the party desiring it, make it probably appear to them that there is Error in the Judgment, and shall then also give good Security to make good his Plea; and if he be cast at the next General Court, to pay the Principal with Five and Twenty *per Cent.* Damages, besides Costs.

No Supersedeas *shall be granted but by the* Governour, *and two of the* Council.

XLII. Prisons

## XLII.

## Prisons to be built in each County.

WHereas the first Act of the Assembly held at *James* City the 3d of *November* 1647, and continued by the Assembly held there the third of *March* 1657, for prevention of Escapes for Prisoners; hath Enacted, That suffiicent Prisons should be built in each County, and that an House built after the form of a *Virginia* House, (our Abilities not extending to build stronger) should be accounted a sufficient Prison, and that any person being a Prisoner for Debt or Crime: And breaking one of those Prisons, should be proceeded against as a Felon, and that neither Court, Commissioner, nor Sheriff, should be answerable for such escape, and whereas the Sixty first Act of the Assembly, held at *James* City, the said Thirteenth of *March* 1657, makes the several Counties not building such Prisons liable to the Sheriff for the escape of any person committed to his Custody; which Acts, have for want of a Penalty, never been put into Execution; for want whereof Felons may escape, and Debtors for want of due restraint delay always and defraud oftentimes, the Creditor of his just Dues, and by means thereof the Law it self made wholly void; which intended principally that all Men should by that restraint have been forced to make a speedier satisfaction: For remedy whereof, be it hereby Enacted, That according to the said Acts, a good strong Prison after the form of *Virginia* Houses, be builded within Eight Months after the date of this Act, by the Court, at the charge of the County, upon Penalty of being fined Five thousand pounds of *Tobacco*, and be answerable for Escapes as aforesaid; and the person breaking Prison, shall according to the said Act of the third of *November* 1647, be adjudged a Felon; and that no person under Execution for Debt, or imprisoned for Felony, shall have the benefit of the Rules; and all other persons having the benefit of the Rules, shall be secured and lie in Prison every night, at the Peril of the Sherriff.

*A Prison to be built at the charge of the County.*

*Breaking of Prison shall be adjudged Felony.*

*Who shall have the benefit of the Rules.*

## XLIII.

## Dwellers *within the* Rules *of any* Prison, *not to have any benefit thereof.*

*Such as dwell within the Rules shall not enjoy the benefit of them.*

AND be it Enacted, That if the Sheriff shall permit any person dwelling within the Rules of any Prison, that is by Warrant or Order of Law committed to Prison, to walk abroad out of Prison, though with a Keeper, and to have the benefit of the Rules, or to lodge in his own House; the said Sheriff, upon Proof thereof made at the County Court by the Plantiff, shall be ordered to pay the Debt, as in case of Escapes.

## XLIV.

## Sheriff *to be chosen in the* Commission.

*One of the Commissioners of each County shall be chosen Sheriff there.*

*Sheriffs shall hold their Office a whole year and no longer.*

*The Under Sheriff.*

FOrasmuch as the Comissioners of the County Courts, are by the Laws of this Country answerable for the Levies and Estreatments of each County, of which the Sheriff is usually the Collector, be it therefore Enacted, That none but one of the Commissioners of each County, shall be Sheriff for that County: And further, That the Commissioners shall exercise the Office of Sheriff successively, as they hold their places in Commission, every one a whole year and no longer: Provided, That every such Commissioner, before he be admitted to take his Oath, give in good Security for the due Execution of his Office, and Performance of the Trust committed to him, and then his Oath be administred to him. And be it further Enacted, That no Under Sheriff shall execute the Office of Under Sheriff in the same County above one Year; Provided always, That the Sheriffs of *James City*, who are more immediate Officers than any other, to the General Courts and the Publick, shall be left to the Governours free Choice: And further, That if the Governour see cause, for the better promoting any of his Majesties special Services, it shall be left to his discretion to pass by any Person in any other Commission, and to give the Place to those in the Commission he shall think most meet to supply the

the exigent of the present Occasions, but because the Laws as well of *England* as of this *Countrey*, prohibit the Executing the Office of Sheriff by any Person two years together, the Governour is earnestly desired by the Assembly in any of his Elections not to infringe those Laws.

## XLV.

## Sheriffs *not making Return.*

WHereas the Sheriffs, often through neglect, often for favour to the Debtors, omit the serving the Process to them directed, and making Returns thereof according to Law; by means whereof the Courts are prolonged, Justice is delayed, and the Parties by their attendance and expences very much endamaged: Be it therefore Enacted, That every Sheriff failing to make sufficient Return; (that is, That the Writ is executed, and the Name of the Bail taken of any Warrant to him directed three days at least before the day of the Return of the Writ in the General Court, and two days before the County Courts) shall be amerced One thousand Pounds of Tobacco, one half to the Plaintiff, if he sue for it, and the other half to the County: Provided, That the said Plaintiff prove the delivery of the Warrant to the Sheriff.

*Sheriffs not making timely Returns, fined* 1000 l. *of Tobacco.*

## XLVI.

## Sheriffs *to take Bail.*

BE it also Enacted, That all Sheriffs shall take sufficient Bail of Persons arrested, and perform the Award of the Court, and if the Sheriffs shall neglect to take sufficient Bail of the Party arrested, or otherwise consent to be the cause of his escape, then the said Sheriff shall be liable to pay the Award of the Court himself; and shall also pay, in case the consent to the escape be proved, One thousand Pounds of Tobacco, one half to the Publick, the other half to the Party grieved, for his delay in recovering the Debt; but if Bail be taken, and the Party appear not to answer the Suit, then Judgment shall be awarded against the Bail: Al-

Sheriffs *shall take sufficient Bail in* Arrests.

ways

ways provided, That the Sheriff or Bail, ſhall if they deſire it, have an Attachment againſt the Eſtate of the Party arreſted and not appearing: And further, That if the Sheriff or Bail, ſhall the next Court after that to which the Arreſt was made, bring forth the Body of the Party ſo arreſted, to anſwer the Suit, then the Sheriff or Bail ſhall be acquitted for the Judgment paſſed againſt them.

## XLVII.

## Non eſt Inventus.

BE it alſo Enacted, That if any Sheriff ſhall return a *Non eſt Inventus*, upon which an Atachment by a former Act hath been uſually granted, when perhaps neither the Sheriff nor his Officer, have been at the houſe of the Defendants, to the great damage and diſparagement of the ſaid Defendant by having his Goods attached: Be it therefore Enacted, That henceforth the Sheriff, or his Officer, ſhall declare upon one of their Oaths, that he hath been at the houſe of the Defendants, and hath there left a Copy of his Writ, before his return of *Non eſt inventus* be admitted; and if he ſhall refuſe to make ſuch Oath, then Order to paſs againſt him, according to the Act for Non-Returns: but if the Return be proved and allowed in Court, then after thrice ſummoning the Defendant by Proclamation in Court, an Attachment ſhall iſſue againſt his Eſtate, returnable the Court following; where if the Defendant appear not to replevin the Attachment, Judgment ſhall be granted to the Plaintiff for his Debt; being made evidently appear to the Court that it is juſtly due to him.

*The Method of Proceedings relating to a* Non eſt Inventus.

## XLVIII.

## *Appriſement of Goods.*

BE it Enacted for the equal Apriſement of Goods ſeized by Execution, That the Plaintiff and Defendant ſhall chooſe each of them two indifferent Men for that purpoſe, and in caſe of diſagreement, the ſaid four or three of them ſhall chuſe an Umpire, which Umpire ſo choſen, ſhall be

*Goods ſeiz-ed, by whom they ſhall be appraized.*

be ſworn by the next Commiſſioner to apprize ſuch Goods indifferently, and his Umpirage to be final: And be it further Enacted, That if Plaintiff or Defendant ſhall neglect to appoint Apprizes within three days after Execution is ſerved, notice being given them by the Sheriff, to whom the Execution was directed, that then the Sheriff in ſuch caſe of neglect, ſhall chuſe and appoint Apprizers either for the Plaintiff or Defendant, for apprizing the Goods by him ſeized upon Execution, as aforeſaid: And be it further Enacted, That before ſuch Aprizement, the Sheriff ſhall not remove the Goods out of the Poſſeſſion of the Plaintiff, and the ſurpluſage, if any be, returned to him; but after Apprizement made, as aforeſaid, the property to veſt in the Sheriff for the uſe of the Creditor, to whom the Sheriff ſhall give notice that he may take them into his own poſſeſſion: And becauſe there can be no Averment againſt a Record, it is further Eenacted, That the Sheriff make return of the Execution to that Clerk of the County that granted it, by him to be entered upon Record under the Order it was iſſued upon; that ſo the Satisfaction as well as the Judgment, may be authentickly proved, if occaſion require.

*Goods ſhall remain in the Plaintiffs poſſeſſion till after Appraiſement.*

*What perſons ſhall have the benefit of the Act, made for relief of poor priſoners.*

Whereas the Act for the relief of poor Priſoners, hath, contrary to the intent thereof, been extended to Men of all Capacities, and by that means an inconſiderable part of their Eſtates, or at leaſt unprofitable to him whoſe dependance is Tobacco, according to his agreement forced for ſatisfaction: Be it therefore Enacted, That henceforth every Debtor under Execution for Debt ſhall be detained in Priſon until he hath paid the Debt in kind; but that real poor Men, laid under Execution for a Debt under One thouſand Pounds of *Tobacco*, ſhall ſtill have liberty by part of their Eſtate by ſome Juſtice of the County indifferently aſſigned, and by Apprizers ſummoned by the Sheriff, and ſworn equally to apprize the ſaid Eſtate, ſhall make Payment thereof to their Creditor, and redeem their Perſons.

## XLIX.

## *No* Commissioner, Clerk, *or* Sheriff, *to be* Attorneys *in the* Court *where they officiate.*

No Commissioner, Clerk, *or* Sheriff, *shall be* Attorney *in that Court wherein he officiates.*

BE it Enacted, That neither Sheriff, Commissioner, Under-Sheriff, or Clerk of any Court within this Collony, shall be permitted to plead as an Attorney, in any persons behalf in the Court wherein he officiates, and the said Commissioner, Sheriff, Under-Sheriff, or Clerk offending herein, shall for every Default be fined One thousand Pounds of *Tobacco*, to the use of the *County*: Provided always, That if any poor person, not able to plead his own *Cause*, shall request the *Court* to assign him one of the *Commissioners* to plead for him; it shall be lawful for the *Court* to grant it, and for the *Commissioner* to plead accordingly; but the *Councellor*, *Commissioner*, &c. so pleading the poor mans *Cause*, not to give Judgement therein: Provided also, That any *Commissioner*, *Sheriff*, *Under-Sheriff*, or *Clerk*, acting as General Attorney for any persons, absent out of the Countrey or County, and negotiating their Affairs, and so liable to be sued for their Imployers; such persons, notwithstanding this Act, shall have liberty also to Plead and Prosecute in any *Cause* that shall any way concern their said Imployers.

*The* Court *may notwithstanding permit a* Commissioner *to plead a poor mans cause.*

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## L.

## *Publication of* Writs *for Election of* Burgesses.

*Writs for Election of Burgesses shall be read publickly in Churches.*

WHereas frequent *Complaints* are made by the People, that they have no notice of the time appointed for the Election of Burgesses; and by that means are deprived of giving their Voices in the Election of their own representatives; Be it Enacted henceforward, That the Sheriffs of the respective *Counties*, shall upon the Receipt of the Writs, cause *Copies* thereof, with the day appointed, for the Election endorsed, to be sent to the Minister or Reader of every Parish in their County; who is to

to read the ſame to the People two Sundays ſucceſſively, both in the Church and Chappel of Eaſe to it belonging; to the end that no perſon may pretend Ignorance; and return the ſame to the Sheriff with his atteſtation ſubſcribed, that he hath publiſhed the ſame according to the tenor of this Act; which Atteſtation ſhall be ſufficient to diſcharge the Sheriff from blame: but if the Sheriff neglect to ſend Copies, as aforeſaid, then to be fined Two thouſand Pounds of *Tobacco*, to the uſe of the County; and every Freeman, after ſuch Publication made, neglecting to come and give his Vote at the day appointed for Election, ſhall be amerced Two hundred pounds of *Tobacco* to the uſe of the County: And be it further Enacted, That if the Sheriff ſhall not before the day of the Return, make his due return of the Writ, with the names of the Burgeſſes endorſed into the Secretaries Office at *James* City, the ſaid Sheriff ſo neglecting, ſhall be Fined Two thouſand pounds of *Tobacco* to the *Publick*.

*Freemen neglecting to give their Votes at Elections of Burgeſſes ſhall be fined 200 l. of Tobacco.*

## LI.

## Publick Levies *to be firſt paid.*

Be it alſo Enacted, That no Sheriff ſhall, where he receives *Tobacco* of any Perſon indebted for his Levies, and alſo for Fees, and other debts due to himſelf or any other Officers, and not paying the whole in kind; by which means for part thereof diſtreſs muſt be made, ſhall preſume to convert the *Tobacco* in kind to his own or any other uſe; and force the Countrey Creditor to accept of the Diſtreſs, or ſtay for his Debt, but that all Debts due to the Publick be firſt paid, and the *Tobacco* in kind paid to the Creditor of the publick, whoſe reputation is by theſe *Evaſions* often vilified; and that the Sheriff making Default herein, ſhall be fined Ten thouſand pounds of *Tobacco* to the uſe of the publick, upon proof thereof made in any Court of Record in this Countrey.

*Debts due to the publick ſhall be firſt paid.*

LII. *The*

## LII.

## The Sheriff, *upon the instance of the* Treasurer *or his* Deputy, *to collect the* Quit Rents.

Quit Rents *shall be collected by the* Sheriff, *and shall be paid in Tobacco or Money.*

AND be it further Enacted, That the Sheriff being his Majesties immediate Officer, shall upon the instance of his Majesties Treasurer, or his Deputy here, be compelled to receive all such Quit Rents as the said Treasurer, or his Deputy, shall give him order to receive in his County; and that the said Quit-Rents be paid as the Levies, in the direct specie of *Tobacco* or Money: And that no particular Fees or Debts be preferred before them, under like penalty as for the payment of other Debts before the Levies.

## LIII.

## *List of Tythables how to be taken.*

*Each County to be divided into several Precincts, for the more exact discovery of Tythables.*

*Treble Duties shall be paid for every Tythable person concealed.*

WHereas the fraud of Sheriffs, in bringing in the List of the Tythables, hath very much augmented the Taxes of the Countrey: Be it Enacted, That for the better discovery of the Number of Tythables, each County shall be divided into several Precincts; in each of which a *Commissioner* shall be by the *Court* appointed to take a List of the Tythables, to be brought or sent in under the hand of the Master of every Family, of the names and number of Tythables he hath in his Family; and if he bring in a false List, the said Master shall pay treble Duties; for every person so by him concealed: And be it further Enacted, That the said *Commissioner* give publick notice in Writing, to be read and set up at the door of the Church or Chappel of Ease, of the Precincts he is to take Account of, and of the day he will receive them: Provided the day be before the Tenth of *June* at farthest.

theft, at which time every person neglecting to bring in his List as aforesaid,. shall be adjudged a concealer, and pay accordingly; and every *Commissioner* failing in giving notice, neglecting to take the List, conniving at others concealment, or not giving a true List of his own Tythables, shall also pay treble Duties as aforesaid: And be it further Enacted, That every Commissioner in *August* Court following, shall deliver the Accompts so taken by him, and the Subscriptions of the several Masters of Families, to the Clerk of the County Court, who shall return an exact List of the Families to the Clerk of the Assembly, the first or second day of every *September* General Court.

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## LIV.

## *What Persons are Tythable.*

WHereas several disputes have been made of what persons were Tythable, It is hereby Enacted and Declared, That all Male persons of what Age soever, imported into this Countrey, shall be brought into the List, and be liable to the Payment of all Taxes; and all *Negroes* Male or Famale, being imported, shall be accompted Tythable; and all *Indian* servants Male or Famale, however procured, being adjudged Sixteen years of Age, shall be likewise Tythable; from which none shall be exempted but such Christians only as are either Natives of this Countrey, or are imported Free by their Parents or others; who shall not be lyable to the payment of Levies, until they be Sixteen years of Age, or such others, as by particular Acts of Assembly are exempted.

*Who shall be liable to the payment of* Taxes.

*What Persons are exempted.*

## LV.

## *Councellors and Ten Persons to be exempted out of the Levy.*

*Councellors of State, and Ten Persons of their Family, exempted from all publick* Charges *and* Taxes.

BE it Enacted, That each Councellor of State for this Countrey, shall be freely exempted from all publick Charges and Taxes for themselves and Ten of their Family, the Ministers and Church-Duties excepted; and further, That all Ministers officiating in any Cure of this Countrey, shall for their attendance on the General Courts and Assemblies, be exempted themselves, and Six of their Family, from paying any publick Taxes: and further, That all persons that come into this Countrey, at the last coming in of Sir *Thomas Yates*, shall have their own persons exempted from paying of any publick Taxes, Church Duties excepted; and also from their personal Service in the Wars.

*Some others also exempted.*

## LVI.

## Artificers *not planting* Tobacco, *freed from payment of the* Levy.

*Artificers or Handy-crafts men, who plant no* Tobacco, *are freed from the payment of* Levies *for Three Years.*

AND whereas all Persons, Artificers and others, are forced to neglect their Trades, and to plant *Tobacco*, meerly for the payment of their Levies: Be it Enacted, That what Artificer or Handycrafts-man soever will imploy himself and Servants only about their Trades, and not plant any *Tobacco* at all; every such Artificer and Handycrafts-man so following his Trade and not Planting *Tobacco*, either by himself or servants, shall for his Encouragment be exempted from paying any Levies, either for himself or servants, for the Term of Three years, except it be for the Ministers Dues and Church Duties: Provided always, That if any person claiming the benefit of this Act, shall directly or indirectly, at home or abroad, plant or tend, or cause to be planted or tended any *Tobacco*, con-

*Such Persons if they shall plant* Tobacco *contrary to the* Tenor *of this* Act, *shall pay double* Levies.

contrary to the intent of this Act, or hire out his Servant or Servants to others to plant or tend *Tobacco*, he shall be censured to pay double Levies for himself and all his Tythables, to the use of the County.

## LVII.

## Councellors *to raise a* Levy.

WHereas the necessary Charge of the Country doth enforce the raising of an Annual Levy, which being commonly done by an Assembly, the charge of which doth most times equal, if not exceed, all other Taxes of the Country; Be it therefore Enacted, That the Governour and Council in *September* 1662, shall have power to raise and proportion a Levy to defray the Country Debts and Salaries allowed by the Assembly, and such other Debts also as they shall find justly and necessarily due, according to the number of Tythables: Provided, the whole amount not to more then Twenty pounds of *Tobacco* per pole. And this Act to continue for three years, unless some urgent occasion present in the mean time of calling an Assembly, and that the Levy may be truly proportoned: Be it Enacted further, That every Clerk of a County Court transmit the Certificate of the number of Tythables in his County, to the Secretarys Office, in every *September* Court.

*The Governour and Council, shall have power to raise and proportion a* Levy *for defraying the Country Debts and Salaries.*

## LVIII.

## *No* Arrests *to be made on the* Sabbath-days.

WHereas it hath been the frequent practice of Sheriffs and their Officers, for their own ease and benefit, to repair to the Churches and other places of Publick Meetings, on purpose to serve Warrants and Executions and other Writs; by which means Men in danger of Arrests, have been deterred from the Service

vice of God and the King : Be it Enacted, That no Sheriff nor his Officer, shall from henceforth execute any Writ or Warrant upon any person or persons, either upon the Sabbath-day, or upon the day of Humiliation for the Death of the late King of ever blessed Memmory, or upon the days appointed for Thanksgiving for his Majesties happy Inauguration, and for the Deliverances of this Country from the too bloody Massacres, nor at the times of General Musters or Election of Burgesses. Provided always, That it shall and may be lawful for the Sheriff or any other Officer, to apprehend and carry to Prison any person or persons for Riots, Felony, or Suspicion of Felony, or escape out of Prison, when under Execution, upon any day, at any place, any thing in this Act to the contrary notwithstanding.

*No Arrests shall be made on* Sundays, *nor on the* 30*th of* January. *or* 29*th of* May, *&c.*

Prison-breakers, Felons *or Persons under suspicion of* Felony, *or guilty of a* Riot, *excepted.*

## LIX.

## Reward *for killing of* Wolves.

WHereas great Complaint is made of the frequent and many Injuries done by Wolves to the Cattle and Hogs of several Inhabitants of this Country; It is therefore Enacted, for the Encouragment of those that will make it their business to kill and destroy them, that they shall be paid by the County in which they are killed; for every Woolf destroyed by Pit, Trap, or otherwise Two hundred pounds of *Tobacco* : Provided, he make Proof before the next Commissioner how the Woolf was killed, and bring in his head, and take from the said Commissioner a Certificate thereof; which being produced to the Court, when they are proportioning the Levy, shall be sufficient to have the said Reward raised upon the County, and to be paid to such persons as it is justly due.

*The* Reward *for killing of* Wolves, *what, to be paid by the* County.

LX. *Com-*

## LX.

## Commiſſioners *to take Security of* Sheriffs.

BE it alſo Enacted, That the Commiſſioners of every County, ſhall be anſwerable to the *Publick*, for all Levies laid upon their County by Act of Aſſembly, and for the Sheriffs performance of his place; and in regard thereof, are hereby Impowered before the admiſſion of any Sheriff into his office, to take ſuch Security of him as they ſhall think fit and ſufficient to ſave themſelves harmleſs, for the receiving and diſcharging all Publick Duties; whether Quit-Rents, Levies, or Officers Fees, committed to his Charge or Collection, and for the due performance of his Office. *Provided*, That no Commiſſioner ſhall be lyable, but ſuch as were of the Commiſſion when the defect was made.

*The Sheriff ſhall give ſecurity to the* County Commiſſioners, *for the faithful diſcharge of his* Office.

## LXI.

## Judgment *before* Commiſſioners.

BE it Enacted, That the voluntary Confeſſion and Acknowledgment of a Debt by the Debtor, under his Hand and Seal before two *Commiſſioners*, of which one of the *Quorum*, ſhall be accounted in *Law* in the nature of a *Judgment*, the ſaid *Commiſſioners* atteſting the ſame under their Hands, and ſo certifying it to the *Clerk* of the *County Court* to enter it upon *Record*; upon which Writing ſo Acknowledged, Atteſted, and Recorded, *Execution* ſhall iſſue in caſe the *Debt* be not paid, as if *Judgment* had been granted for the ſame in open *Court*: Provided, That if no *Execution* iſſue within a Year after ſuch acknowledgment, then a *Scire Facias* ſhall iſſue before any *Writ* of *Execution* ſhall iſſue forth.

*Acknowledgment of a* Debt *before* Two Commiſſioners, *ſhall be accounted in the nature of a Judgment, and Execution ſhall iſſue in caſe of Nonpayment.*

N LXII. *Per-*

## LXII.

## *Perſons removing into the* Bay.

No Perſon ſhall remove out of the County where he dwells, without ſetting up his Name on the Church or Chappel door, three Sundays, with his intent to remove, and whither.

FOR avoiding of Creditors charges and troubles in recovering their *Debts*, by reaſon of divers Perſons removing themſelves from the Places where they contracted their *Debts*, into remote *Counties*; Be it Enacted, That no Perſon whatſoever, ſhall remove out of the *County* where he dwells, unleſs he firſt ſet up his Name at the Door of the *Pariſh Church* or *Chappel* where he dwells three Sundays together, and in the ſame expreſs his intent of leaving the *County*, and certifie the Place he is about to remove to, and take Certificate thereof from the *Miniſter* or *Reader* of the ſaid *Church* or *Chappel*, and the *Church-wardens* of the *Pariſh*, to the *Clerk* of the *County Court*, who ſhall grant him thereupon a Licence to depart: Provided always, That if the ſaid Perſon ſo removing pay not his *Debts* contracted before his removing, according to the tenor of the ſpecialties by which they are due; it ſhall be lawful for any of his *Creditors* by a Warrant from the *Secretaries Office*, to bring the *Debtor* perſonally before the *Governour* or any of the *Council*, for what value ſoever the *Debt* be of, and there put in ſufficient ſecurity for performance of his Obligation according to the tenor thereof, in caſe the day of payment be not paſt (any reſtriction in any other Act to the contrary notwithſtanding) and then to take out Execution againſt his Body or Eſtate for ſatisfaction of the ſaid Debt.

Cattle ſhall not be removed out of the County without notice firſt given to Four of the Neighbourhood.

And be it further Enacted, That if any Perſon or Perſons, ſhall before or after Certificate obtained as aforeſaid, remove or tranſport any Cattle out of the *County* he dwelled in, without notice given to Four of the neareſt Inhabitants, who are hereby required to take ſpecial notice of the Ear-Mark, and Colour of the Cattle to be removed, and make a Liſt of them and their Marks, and carry the ſame ſubſcribed by the ſaid Viewers, to the *Clerk* of the *County Court* to be Recorded, he ſhall upon lawful Conviction, forfeit for every Beaſt tranſported contrary to the tenor of this Act, One thouſand Pounds of *Tobacco*, one half to the Publick, and the other half to him that ſhall make the complaint againſt the Party ſo offending: And if any Merchant, Mariner, or any other Perſon whatſoever, ſhall tranſport any Perſon or Perſons out of

No Merchant or Mariner ſhall tranſport any perſon out of the Countrey without Certificate.

of his *County*, without Certificate as aforesaid, the said Merchant, Mariner, or other Person, so offending, shall be liable to the payment of all the *Debts* and *Engagements* of the Party transported, being due at the time of his removal.

## LXIII.

## English VVeights *and* Measures.

English Weights *and* Measures *shall be used in this* Collony.

WHereas daily Experience sheweth that much fraud and deceit is practised in this Collony by false Weights and Measures, for prevention thereof, Be it Enacted, That no Inhabitant nor Trader hither, shall buy or sell, or otherwise make use of in Trading, any other Weights or Measures than are used and made according to the Statute of in that case provided; and for discovery of abuses, Be it further Enacted, That the Commissioners of every County, do provide at the charge of the County, sealed Weights, of *Half hundreds*, *Quarterns*, *Half Quarterns*, *Seven Pounds*, *Four Pounds*, *Two Pounds*, *One Pound*, Measures of *Ell* and *Yard*, of *Bushel*, *Half Bushel*, *Peck*, and *Gallon*, of *Winchester Measure*, *Gallon*, *Pottle*, *Quart*, *Pint*, of *Wine-Measure* out of *England*; and that the said *Weights* and *Measures* be kept by the first of every Commission at his house, and with them a burnt Mark of and a Stamp for Leaden Weights, and Pewter Pots, whither all Persons not using Weights and Measures brought out of *England* and sealed there, shall bring all their Barrels (which are to contain *Five Bushels*) and other Measures, to be sealed, and their Stilhars to be tried; and all Persons selling by other Weights or Measures not sealed and tried as aforesaid, shall forfeit One thousand Pounds of Tobacco, one half to the Publick, the other half to the Party that shall make his complaint; and if the Commissioners shall make default of producing such Weights, Measures, Scales, and Stamps, as by this Act they are enjoyned by the first of *December* 1663, the said Commissioners shall be fined Five thousand pounds of Tobacco to the use of the Publick.

*Every County shall be provided with* Weights *and* Measures from England.

LXIV. Coun-

## LXIV.

## County Courts *to grant* Probates *and* Administrations.

Probates *of* Wills *and* Administrations *upon the Estates of persons dying Intestate, may be granted by the* County Courts.

BE it Enacted, That the County Courts shall be impowered to grant Probates of Wills, and Administrations upon the Estates of persons dying intestate, to take Security and receive the Inventories of the said Estates: Provided, That the Clerk of the County Court, when he sends or carries the said Probates, or Commissions of Administrations to be signed, do then also certifie into the Secretaries Office the name of the Testator or the party deceased, the Executors or Administrators, and their Security; the County and Parish where they dwell, and the Court wherein the Administration is granted, to the end that strangers and others Creditors, invested in the Estate, may be the better enabled to find out the Records, in which the account of the Estate is entred; and be informed how they may come to their just dues.

## LXV.

## Administrations *to whom to be granted.*

VVHereas Commissions of Administration are suddenly obtained, and the Estate as suddenly disposed of, under the pretence of greatest Creditor, or next of Kin; whereby oftentimes they that really are so, are the one defrauded of his just Debt, and the other debarred of his Right and Interest, before either can have notice of the parties Decase: Be it therefore Enacted, That no Administration be granted, until Nine Months after the parties Decease; except to the Widow or Child, and then to be immediately granted; the said Widow or Child bringing in sufficient Security for performing all things the Law requires, and saving the Court harmless: And be it further Enacted, That in case the said Widow or Child do Administer, the Estate shall be inventoried, and Apprizement made by four Men appointed

*No* Administration *shall be granted, till Nine Months after the parties decease; except to the Widow or Child.*

pointed by the Court, and sworn by a Justice of that Court as formerly; which Inventory and Apprizement shall by the said Widow or Child, be brought into the next Court held in that County, unless the Court for Reasons shewed them, may think fit to grant Liberty to bring it in the Court; but in Case the Decedent die without Widow or Child, Then it is Enacted, That the Estate for the better Improvement thereof, be sold by the Court at an Out-cry, and the Purchasers all puting in Security and acknowledging Judgments for their Debts; which by the Court shall be Assigned to the several Creditors of the Decedent, and paid according to the priority in Law, and the surplusage remaining (if any) to be delivered to the next Kinsman of the Decedent, if he appears; or if none prove himself such within three years, then the Court to give an account of the said Surplusage to the Assembly, who are to dispose of the same to the use of the County, allowing to the Court, or whom they intrust for the managing of it, for his reasonable costs and pains. And when the Widow, or Child, administers (the surplusage after Debts paid, and the Funeral charge, according to the quality of the person, allowed for) shall be equally divided between the Widow and Children, (*viz.*) one full Third of the Personal Estate to the Widow, and the other Two Thirds among the Children, if any of which die before it come to Age, his Proportion to be divided among the surviving Children. And whereas it hath been the frequent evil practice of Administrators, as soon as they have obtained an Order to administer, to act as Administrators by Virtue of that Order, without giving security, or taking out their Commissions, so that the Estate being imbezelled away, no accouut can be given thereof: Be it therefore Enacted, That whoever pretends to administer upon any Estate, shall bring to the Court sufficient security before the Order shall be granted; and an Order thus obtained legally, by giving such security, to be truly accountable to bring in a true Inventory, and to perform such things as the Administrators by Law are enjoyned, shall not at any time after be reversed, unless the Party that obtained the same die before he hath given an account of the Estate, and obtained his *Quietus*, in which case, the Court is impowered to grant the Administration of that Estate so not accounted for, to some other Person, who may by Virtue thereof, call his Heirs, Executors, or Administrators of the former Administrators, to accompt; who shall pay out of the said deceased Administrators Estate, all

*The Widow to have one third of the Estate (Debts being first paid) the other two thirds to be divided amongst the children.*

Administrators *shall give in security to the Court.*

ſuch Debts as ſhall be found due to the Eſtate he adminiſtred upon, in the firſt place.

## LXVI.

## *Concerning* Orphans.

CONcerning Orphans Eſtates, Be it Enacted, That all Wills and Teſtaments be firm and inviolable, unleſs the Executors or Overſeers, do refuſe to execute the Truſt repoſed in them by the Teſtator, in which caſe, the Court may appoint others to act according to the Will; but if the ſaid Will be ſo made that no Perſon will undertake the managing of the Eſtate or Education of the Orphans, according to the tenor of it, then that the Eſtate by the appointment of the Court ſhall be managed according to the Rules ſet down for the ordering the Eſtate of perſons Inteſtate, as followeth:

Orphans *ſhall be maintained by the* Intereſt *and increaſe of their Stock if ſufficient, if not ſhall be bound Apprentices.*

Firſt, That no account be allowed for Diet, Cloths, Phyſick, or elſe againſt any Orphans Eſtate, but they to be Educated and provided for, by the Intereſt of the Eſtate and Increaſe of their Stock, according to the proportion of their Eſtates, if it will bear it; but if the Eſtate be ſo mean and inconſiderable, that it will not extend to a free Education, then it is Enacted, That ſuch Orphans ſhall be bound Apprentices to ſome Handycraft Trade, until One and twenty years of age; except ſome Kinſman or Relation will maintain them for the Intereſt of the ſmall Eſtate they have, without diminution of the Principal: which, whether great or ſmall, always to be delivered to the Orphan at the years appointed by Law.

*Cattle, Horſes, and Sheep ſhall be returned in kind.*

That all Cattle, Horſes, and Sheep, be returned in kind by the Guardian according to the age and number when as he received them; and becauſe ſeveral had, before the firſt making of this Act Eſtates of Orphans in their hands, which they kept for the male increaſe and giving the yearly Accompt of the augmentation or diminution of the Orphans Stock, which by the careleſsneſs or wickedneſs of the Guardians was uſually conſumed before they came to age, and diſputes thereupon ariſe in the ſeveral Courts, how ſuch perſons ſhould

ſhould be proceeded with, and Accounts of Orphans Eſtates, how to be given them; it is hereby declared, That all perſons poſſeſſed of Orphans-Stocks, before the firſt making this act, ſhall be bound to deliver to the Orphan, when he comes to age, ſuch and ſo many of any kind as he was poſſeſt of, when he gave his account to the next Orphans Court ſucceeding the Publication thereof.

That all Plate and Money be preſerved and delivered in kind, according to the weight and quantity, that other Houſhould Stuff and Lumber be apprized in Money, and the value thereof paid by the *Guardian* to the *Orphan*, when he comes to age in the Country, Commodities at the price currant, as it ſhall be worth at the time in the place where the *Orphan* Eſtate is managed.

*Plate and Money shall be alſo returned in kind; other Houſhold-Stuff shall be appraiſed and ſold.*

That the Court take able and ſufficient ſecurity for *Orphans* Eſtates, and enquire yearly of the Security; and if the Court ſee Cauſe, to have it changed and called in, and placed as the Court ſhall think fit, the ſaid Court to inquire alſo whether *Orphans* be kept, maintained and educated according to their Eſtates; and if they find any notorious defect to remove the *Orphans* to other *Gaurdians*, and alſo for thoſe that are bound Apprentices, to change their Maſters if they uſe them rigorouſly, or neglect to teach them their Trades. That no more be allowed to *Guardians* for Collecting of Debts due to any Eſtate than Ten in the Hundred, the uſual allowance of Merchants to their Factors and Attorneys.

*Ten* per Cent *allow'd to* Guardians *for collecting Debts due* to Orphans.

That Thirty Pounds of *Tobacco per* day, be allowed to each Apprizer for Apprizement of any Eſtate, (if they will take it) and no more. That no allowance be made by the Court of exceſſive, Funeral expences, but that a Regulation thereof be made according to the proportion of the Eſtate and the quality of the perſon.

*Allowance for Appraiſement, and for Funeral Charges regulated.*

LXVII. Or-

## LXVII.

# Orphans Land *not to be* Aliened.

BE it also Enacted, for the future benefit of all *Orphans*; That the several County Courts, do take into their serious Consideration and Care, that the Lands in their County belonging to any *Orphan*, be not aliened, sold, or taken up, as deserted Land by any persons during the minority of the *Orphan*, and that the *Guardians* or *Overseers* of any *Orphan*, do not Let, Set, or Farm out any Land belonging to any *Orphan*, for longer Term than until the *Orphan* be of age; and that an especial care be had, that the Tenant shall improve the Plantation, by planting an Orchard and building a good House; and that the Tenant be bound to maintain good Fence about the Orchard, and keep the House in sufficient repair, and leave it Tenantable at his surrender, and that Provision be made in the Lease for preventing all waste of Timber, or imploying it to any other use, then the use of the Plantation.

*Timber upon* Orphans *Land, not to be wasted, and the Houses to be kept in repair.*

## LXVIII.

# *Grants of* Land.

BE it hereby Enacted, That any person or persons, claiming Land as due by Importation of Servants, shall first prove their Title or just Right before the Governour and Council, or produce Certificates from the County Courts to the Secretarys Office, before any Survey be made or Grant admitted; it being unreasonable that others furnished with Rights should be debarred by Pretence of a survey which in it self is no Title.

*How persons claiming Land by importation of Servants, must prove their Title.*

LXIX. *Defeat-*

## LXIX.

## *Deserted* Lands.

BE it also Enacted, That no Patent of Land shall hereafter pass upon pretence that the Land is deserted for want of planting within the time of Three years, unless proof thereof be made before the Governour and Council, and an Order obtained from them for the Patenting thereof; neither shall the first Petitioner for any Deserted Land be denied of having the first Grant, he making his Rights appear, when he Petitions for the Land. And whereas the former Act concerning Deserted Lands, reserved to the first taker up, his Rights to take up Land in an other Place: It is here Enacted, That in regard he hath had the benefits of his Rights, held the Land in Possession, might make use of the Timber without contradiction, and yet neither pays the King any Rents, nor suffers him to admit any new Tenant; that the Rights as well as the Land shall be forfeited, and the Grantee made incapable of using any of them afterwards: Provided, That any Person having taken up Land deserted before the making of this Act in *November* 1652, shall not by Virtue of this Act, be outed of Possession.

*No Deserted Land shall be taken up by Patent, till after the term of Three Years, without Order obtained of the* Governour *and* Council.

## LXX.

## *Seating upon others* Dividends.

WHereas divers Suits have risen about seating ignorantly upon other Mens Lands, for deciding the same; Be it Enacted, That if any Person whatsoever, hath built or seated upon any Lands supposed his own, but proving by a just Survey, to belong to another, the charge of such building, seating, or clearing, shall by Twelve Men upon their Oaths be indifferently valued, and the consideration by the said Twelve Men so adjudged, shall be paid by the Owner of the Land, to the first Seater that was at the charge; but if that shall amount to more than the said Owner is willing to disburse, then the said Twelve Men

*Any Person who has built upon* Lands *supposed his own, but upon* Survey *prove to belong to another, shall have the charge thereof allow'd by the right Owner.*

*Or else shall Purchase the* Land.
*Twelve Men upon Oath, are to decide any Controversy arising thereupon.*

shall make a valuation of what the Land was worth before the Seating thereof, which the Seator shall accordingly pay to the true Owner: Provided always, That no consideration shall be allowed for building or clearing, to any Person that shall obstinately persist after lawful warning given him to desist.

## LXXI.

## *Not to shoot or range upon other Mens* Lands.

*No Person shall hunt or shoot within the limits of an others Dividend, without leave of the Proprietor.*

*Cattle not to be fetch'd off of anothers* Land, *till after notice given him thereof.*

*Licences for hunting wild Hoggs.*

WHereas the Rights and Interests of the Inhabitants are very much infringed by the hunting and shooting of divers Men upon their Neighbours Dividends, contrary to the Priviledges granted them by their Patents; whereby many injuries do daily happen to the Owners of the said Land: Be it Enacted, That if any Planter or other, shall hunt or shoot within the limits of an others Dividend, without leave first obtained from the Proprietor, he or they so offending, shall forfeit for every such Trespass, Four hundred Pounds of *Tobacco*, one half to the Owner of the Land, and the other half to Publick Uses; notwithstanding it shall be lawful for any Person or Persons to hunt or shoot upon any Dividend of Land not planted or seated, though taken up without restraint or penalty: Provided also, That it shall be lawful for any Person that hath shot any Game without the limits of any other Mans Land, to pursue the same into any Mans Dividend, and freely to carry away the same, as also to seek or fetch his own Cattle or Hoggs off of any Mans Land, first giving notice to the Owner of the Land of his intent, and of the time he intends to stay upon it; to the end that the said Owner may, if he think fit to send one to see what Cattle or Hogs he drive away: Provided always, That it shall be lawful for the Governour to Commissionate some Gentlemen to give Licence to Persons to hunt wild Hogs upon any Mans Land without their fenced Plantations.

LXXII. Lands

## LXXII.

## Lands *Five years in Possession.*

WHereas sundry Suits and Controversies have been, and daily do arise, about Claims and Titles to Lands, to the great impoverishing of divers Persons; for remedy whereof, and for the better Establishing the Inhabitants in the Rights and Possessions hereafter: Be it Enacted, That all Persons whatsoever, that have or do pretend any Title to any Land, shall prosecute their Claims before the said Land hath been peaceably enjoyed Five years; otherwise it shall be a good Plea in Bar for the Possessor of such Land claimed or possessed, to affirm he hath had peaceable Possession without Claim by Commercement, or Prosecution of Suit full Five years; proof whereof, shall be a sufficient Confirmation to the Possessor, and shall conclude the Claim and Title of the Pretender; and this Act to extend to all such as have not prosecuted their Title within Five years, since the 6th dav of *October* 1646: Always provided, That the limitation of Five years in this Act expressed, shall not bar Orphans nor Widows under Covert, nor Persons out of the Country, nor Persons of unsound Minds: But that the said Orphans shall have Five years after they be of age, Women Five years free from Coverture, (*viz.*) if she marry again before her Five Years are expired, and her Husband omit to make claim, his omission shall be a good bar against him; but if the Woman survive, she shall have so long time allowed her to claim in as will make up the first time of her fredom, five years: Persons of unsound Mind, five years after their recovery from their impotence; Persons out of the Country, five years after their arrival into the Country: Provided they come in within two years after the Title to the Land became due, in which times if they claim not as aforesaid, to be utterly barred for ever; for otherwise the expectation of Heirs out of *England*, where there is none born here, must in a short time leave the greatest part of the Country un-seated, and un-peopled, no Man knowing how or of whom, either to Purchase or take Lease.

*Five Years peaceable possession of* Land, *shall confirme a Title thereto.*

*This Act shall not extend to Widows, Orphans, or Persons of an unsound Mind.*

*Nor to such as live out of the* Country. *Care taken in such Cases.*

LXXIII. *Against*

# LXXIII.

## *Against Fradulent Conveyances.*

*Conveyances of Estates shall be acknowledged before the Governor at the General Court, or before the Justices at County-Courts.*

BE it Enacted and confirmed, That no person or persons whatsoever shall pass over by Conveyance; or otherwise, any part of his Estate, whether Lands, Goods, or Cattle, whereby his Creditors not having notice thereof, might be defrauded of their just Debts; unless such Conveyance or other Deeds be acknowledged before the Governour and Council at the General Court, or before the Justices at the County Courts; and there Registred in a Book for that purpose, within Six Months after such alienation: and whoever shall make over or alienate any part of his Estate, otherwise than is here expressed, the same shal! not be accounted valid in Law, nor shall it bar any Creditor by seizing the same by Law for satisfaction of the Debt, the Property of the Estate not being legally vested in any but the first Vendor: And it is further Enacted, That any conveyance made, and acknowledged, and recorded, shall not be held good in Law, against any Creditors or former Purchasers, until Four Months after such acknowledgment made and recorded, in which time the Creditors or former Purchasers, may shew for what cause the said Conveyance is to be accounted fraudulent; but if none appear within the said Four Months after the first acknowledgment in Court, then the Sale shall be for ever after good against all other claimers or pretenders whatsoever, unless such as pretend to overthrow the first Sellers Title, in whom only five years possession can bar: Provided, That this Act shall not extend to such persons who for satisfaction of just Debts, shall make a Bill of Sale of their Estates, or any part thereof, and deliver it *bona fide* into the Possession of the Creditor; but such Act shall be good and valid to all intents and purposes, this Act being made only to prevent fraud and deceit.

*And shall be Registred within Six Months.*

*Otherwise shall not be valid in* Law.

*Who are exempted from this Act.*

LXXIV. *Quit-*

## LXXIV.

## Quit-Rents *how to be* Paid.

WHereas his Majesty hath by his Commissioners appointed a Treasurer to receive the Quit-Rents and others Fees and Profits due to his Majesty; and the payment of Quit-Rents being due in Money, which we, being destitute of Coin, cannot procure: Be it Enacted, That those persons that cannot procure Money, shall pay their said Rents in *Tobacco*, at Two pence *per* Pound, to such Collector or Collectors, as by his Majesties Treasurer shall be appointed; and that the Country paying the Rents double, the two next years shall be acquitted from all Arears, by assent of the Honourable Sir *William Berkly*, who is Authorized by the Treasurer to make Composition.

Quit-Rents *may be paid in* Tobacco *at two pence* per *Pound.*

## LXXV.

## Surveyors *of* Land.

BE it Enacted that Surveyors of Land shall demand no more than Twenty Pounds of *Tobacco*, for Measuring One hundred Acres of Land, if the parcel exceed Five hundred Acres, but if under, to be allowed One hundred pounds of Tobacco, and for the same shall deliver an Exact Plot of each parcel Surveyed and Measured; and if any Surveyor upon reasonable Demand, shall refuse to Measure the Dividend for any person whatsoever; for the Consideration and Satisfaction aforesaid; such Surveyor shall be liable to the Censure of the Court in that County where he liveth; and if any Surveyor shall be desired to go further from his place of Residence, then he can return in one day; such Surveyor shall have the Allowance of Thirty pounds of *Tobacco per* day, for every days Absence from his Dwelling; and if his passage cannot be but by Water, then such persons as shall imploy him, shall

*What prizes shall be allowed for the Surveying of Lands.*

provide for his Tranſport out and home : Provided no Pay to be received before the Plot delivered.

## LXXVI.

## Land *to be plainly* Marked *and* Bounded.

WHereas many contentious Suits do ariſe about Titles to Land, occaſioned much through the fraudulent and under-hand-dealing of Surveyors; who frequently make ſales of the Surveys by them made in the behalf of one perſon to another; whereby often times he that had the firſt and juſteſt Right, is unjuſtly deprived of his Due; for prevention whereof for the future, Be it Enacted and ordained, That no Surveyor of Land ſhall give a Plot of any Land ſurveyed by him unto any perſon whatſoever, until Six Months after ſuch Plot is drawn, according to its Survey; and that all Land ſurveyed, ſhall be at the ſurveying thereof plainly marked and Bounded; for all perſons to take notice of; that none may by the Ignorance of the bounds, intrench upon another Right; and the perſons offending, either in giving out of Surveys contrary to this act, or not ſufficiently marking his Bounds, to forfeit Five hundred Pounds of *Tobacco*, for every Hundred Acres the Survey ſhall be given of to the uſe of the Country.

*No Surveyor ſhall give a Plot of any Land Surveyed by him, till Six Months after the drawing thereof.*

## LXXVII.

## *What* Fences *ſhall be ſufficient.*

BE it alſo Enacted and Confirmed, by this preſent Grand Aſſembly, That every Planter ſhall make a ſufficient Fence about his cleared ground at the leaſt four Foot and a half high; which if he ſhall be deficient in, what treſpaſs or damage ſoever he ſhall receive or ſuſtain, by Hogs, Goats, or Cattle, ſhall be his own loſs and detriment; and alſo if it ſhall happen, that any perſon ſhall hunt any of the

*Fences ſhall be four foot and a half high, otherwiſe no Damage to be allowed for treſpaſs.*

the ſaid Horſes, Mares, Hogs, Goats or Cattle, that ſhall ſo offend and do them harm, he ſhall make ſatisfaction for any of them that ſhall be ſo hurt to the owners of them, to be recovered in any Court of Juſtice within the Collony: And it is further Enacted, That where any Horſes, Mares, Cattle, or Hogs, ſhall endamage any perſon for want of ſuch Fence, as aforeſaid; and the party damnifying, do wilfully kill, or otherwiſe hurt, ſo as the Cattle, Hogs, Horſes, or Mares, do die of ſuch hurt, whether by Dogs ſet upon them or otherwiſe; in ſuch caſe, the owner of the ground ſhall not only be liable to ſatisfie the value of ſuch Horſes, Mares, Hogs or Cattle, but by virtue of this Act, be adjudged to ſatisfie double the value of ſuch Horſes, Mares, Hogs or Cattle ſo killed, to the owners of them. And further, be it Enacted, That where the Fence ſhall be adjudged ſufficient (*Viz.*) Four foot and a half high, and cloſe down to the bottom; that in caſe any Damage or Treſpaſs be then done or committed to any perſon having ſuch Fences, by either Horſes, Mares, Goats, or any other Cattle whatſoever, the owners of ſuch Horſes, Mares, *&c.* ſhall be liable to make ſatisfaction for their Treſpaſs and Damage to the perſon injured, in caſe the Fence be found by two honeſt men, appointed by the next *Commiſſioner*, to be ſufficient. *Satisfaction in caſe of Treſpaſs.*

## LXX VIII.

## Bounds *of* Lands *to be every* Four years *renewed by the view of the* Neighbour-hood.

WHereas many contentious Suits are dayly incited and ſtirred up about the bounds of Land; for which no remedy yet hath been provided: The 57th Act prohibiting Re-Surveys, not applying the expected Remedies, for if the Survey be juſt, yet Surveyors being for the moſt part careleſs of ſeeing the Trees Marked, or the owners never renewing them, in a ſhort time the Chops being grown up, or the Trees fallen, the bounds become as uncertain as at firſt. And upon a new Survey, the leaſt variation of a Compaſs alters the ſcituation of the whole Neighbour-hood, and deprives many perſons of Houſes,

Houses, Orchards, and all to their infinite loss and trouble: for prevention whereof, Be it Enacted, That within Twelve Months after this Act, all the Inhabitants of every Neck and Tract of Land adjoyning, shall go in procession, and see the marked Trees of every mans Land in those Precincts to be renewed, and the same Course to be taken once in every Four years; by which means, the Inconveniency of *Clandestine Surveys* will be taken away; and the Bounds will be so generally known, and the Marks so fresh, that no alteration can be made afterwards. And be it further Enacted, That the Bounds by the consent of the present Proprietors, being once thus settled, shall conclude the said Proprietors, and all others claiming from or under any of them, from any future alteration of their Bounds, be there within the said Bounds more or less Lands than they pretend to; and if it shall happen any difference to be at present, that cannot be by the Neighbours themselves decided: Be it further Enacted, That two honest and able Surveyors, shall in presence of the Neighbour-hood lay out the Land in Controversie, and the Bounds laid out to be the certain Bounds; and ever after to be renewed and continue so (but the person causing the Difference to pay the Charge of the Survey) it tending much more to the preservation of Friendship among Neighbours, to have a present and final Decision of their differences, while Men yet live that are acquainted with the first Surveys, and while Land is yet at a low Value, then it will be when time hath raced out all knowledg to the Bounds, and added a great Value to the Land: Be it Enacted further, That each County Court shall appoint and order the Vestries of each Parish to divide the Parishes into so many Precincts as they shall think necessary for the Neighbours to joyn in and see each others Mark renewed, and to appoint certain days between *Easter* and *Whitsontide*, to go the said Processions, and put this Act into effectual Execution; and in case the Court shall omit to make such orders, and to send the same to the several Vestries of the Parishes in their Counties, they shall be fined Ten thousand pounds of *Tobacco*, and the Vestries failing to order the Precincts and the Persons to go together, shall be fined Twelve hundred pounds of *Tobacco*, and the person failing to go upon the day appointed, or to renew his Mark accordingly, shall for his neglect be fined Three hundred and fifty Pounds of *Tobacco*.

*Bounds being once settled by the consent of the Proprietors, shall take off all Claim to future alteration thereof.*

*Days to be appointed upon which Procession shall be made.*

LXXIX. *Sur-*

## LXXIX.

## Surveyors *for High Ways.*

WHereas through the frequent Alterations of the High-ways, by felling of Trees over them, and many times taking them into fenced Plantations, to the great hindrance of Travellers and Traders; Be it therefore Enacted, That the Justices do yearly in *October Court*, appoint Surveyors of the High-ways, who shall first lay out the most convenient ways to the Church, to the Court, to *James* Town, and from County to County; and make the said ways Forty foot broad, and make Bridges where there is occasion; and the Ways being thus laid out and Bridges made, they shall cause the said Ways to be kept clear from Logs, and the Bridges in good repair; that all his Majesties Subjects may have free and safe Passage about their occasions: and to effect the same, the Vestries of every Parish, are upon the desire of the Surveyor, hereby enjoyned and impowered to order the Parishioners, every one according to the number of Tythables he hath in his Family, to send Men upon the days by the Surveyors appointed, to help them in clearing the Ways or making or repairing the Bridges, according to the intent and purpose of this Act; and if any Court shall omit the appointing Surveyors, or they neglect the executing their Office, or the Vestry to order the Work, or any person to send help, according to the said Vestries order, the said Court Surveyors, Vestry, or Person, shall be amerced Five hundred pound of *Tobacco* to the use of the County: And if any person shall contrary to this Act, fell Trees upon the High-ways, and not clear the same, or inclose any part of the said High-ways within any fence, the Grand Jury shall present the same as a common Nusance, and the Inclosure shall be thrown open, and the offender be fined One thousand pound of *Tobacco*, to the use of the County; and if any Counties have Creek or Swamp, limiting the bounds between the said Counties, it is Enacted, That both Counties bounding upon such Passage, shall contribute to the making the Bridge, or making the way over it.

*The Justices shall yearly appoint Surveyors of the High-Ways.*

*High-Ways shall be kept clear, and Bridges in good repair.*

*Vestries of each Parish shall take care thereof.*

*The Penalty of Felling Trees on the High-Way, or encroaching upon the same.*

## LXXX.

## Tobacco *when to be demanded.*

*Tobacco due shall be demanded, between the Tenth of* October *and the last of* January.

WHereas many *Creditors* for several By-respects, neglect the demanding the *Tobacco*, due to them in due time, by that means inforcing the Debtor to the inconveniency of not disposing of his *Tobacco*, and yet not paying his Debts, to the great damage and prejudice of the said Debtor: Be it therefore Enacted, That every person or persons not demanding his or their Debts between the Tenth of *October* and the last of *January*, shall not sue or implead any person or persons Indebted to him or them for present Payment; but it shall be lawful for any persons owing *Tobacco*, to dispose of the same for his own use after the said last of *January*, if it have not been demanded according to the tenor of this Act, and no Execution to issue for a *Tobacco Debt*, but against the person, who shall have liberty to free himself, by putting in security to pay the Debt the following Crop. Provided always, That it shall be lawful for the Creditor to sue or implead his Debtor for security for his *Debt* against the next year, any thing in this Act to the contrary notwithstanding.

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## LXXXI.

## Judgments *and* Specialties *how long Pleadable.*

WHereas the nature of our Trade in *Virginia*, enforceth us to Engage by Bills, Bonds, and other Writings, for discharge of which, in part or in whole, the Debtor is often constrained to accept of the Receipts, the said Bills, Bonds, Judgments and other Writings remaining still in the hands of the said Creditor, and the Receipt being often times lost, the *Debtor*, and especially the Executors and Administrators of a person *deceased*, not being able to prove payment, those *Debts* are frequently demanded and unjustly recovered, which before had been justly paid and discharged; for

for remedy whereof, Be it Enacted, That no Bills or Bonds be of force or recoverable Five years after the date of the said Bills or Bonds, or any Bills or Bonds heretofore made, five years after the date of this Act; as also that no Judgment shall be of force seven years after the Grant thereof or after the date of this Act as aforesaid; but if the Debtor shall depart the Country, and leave no Attorney to answer for him, or any other way conceal or privily remove himself into any part of the Country, and by that means render the renewing of the Bill impossible; such time of his Absence or Concealment shall not be accounted any part of the Five or Seven years limited.

Bills *and* Bonds *of persons Deceased, in what time recoverable.*

## LXXXII.

## Attorneys *for Business out of* England.

WHereas many persons in this Country, entertain as Attorneys, many troublesome businesses out of *England* and other places, when justly there is no occasion for such Molestation, and yet the Parties molested, are left destitute of Relief, by reason the said Disturbers have no Estate in this Country to satisfie Damages they are condemned in: Be it therefore Enacted, That no Attorney by any power out of *England*, or elsewhere, shall sue or implead any person of this *Collony*, without giving first good Security, that he the said Attorney shall pay all such *Costs* and *Damages* as the *Court* shall *award* against him; where the Law shall find that he the said Attorney hath by that power unjustly molested the Defendant.

Attorneys *out of* England *shall give security to pay Costs and Damages, if cast in Law Suits.*

## LXXXIII.

## Burgesses.

VVHereas no Provision hath been made for the certain *Conveyance* of publick Writs for the Election of Burgesses; whereby the delivering the said Writs being retarded, the Sheriff hath no time to give notice to the people according to Law, nor

nor make a timely return of the Writs, nor can the Burgesses appear at the day; for remedy whereof, Be it Enacted by this present Grand Assembly, That the Secretary provide for the timely conveyance of the Writs into every County, to be delivered to the Sheriff thereof; and for his pains be paid One Hogshead of *Tobacco*, weighing Three hundred and Fifty pounds for every County; and in Case any Neglect be proved against him, that he be fined for such neglect at the discretion of the Assembly: Always provided he have the Writs signed Forty days before the day of the Return.

*Allowance to the Secretary for conveying Writs of Election to the Sheriffs of each County.*

## LXXXIV.

## Burgesses *ascertained.*

WHereas the charge of the Assemblies is much augmented by the great number of Burgesses, unnecessarily chosen by several Parishes: Be it Enacted, That hereafter no County shall send above two Burgesses, who shall be Elected at those places in each County where the County Courts are usually kept. Provided always, That *James City* being the Metropolis of the Country, shall have the Priviledge to Elect a Burgess for themselves, and every County that will lay out One hundred Acres of Land, and people it with One hundred Tythable persons; that place shall enjoy the like Priviledge.

Two Burgesses *from each County.*

*One for* James City *in particular.*

## LXXXV.

## Burgesses *Charges ascertained.*

WHereas the immoderate Expences of the Burgesses causing divers heart-burnings between them and the People occasioned an Injunction to make agreement for the allowance before the Election, which may hereafter probably induce interested persons to purchase Votes, by offering to serve at low Rates; by which means, that Candour and Freedom which should be in the Choice of persons credited with

with so honourable and great a trust, might be very much prejudiced, and the place it self become mercenary and contemptible: Be it therefore Enacted, That the maintainance of every Burgess shall be One hundred and Fifty pounds of *Tobacco* and Cask *per* day, besides the necessary charge of going to the Assembly and returning.

## LXXXVI.

## Burgesses *to appear upon the Day.*

VVHereas many Inconveniences happen by the not appearing of Burgesses, upon the precise day of the Return of the Writ; as leaving the business of the greatest Importance, the prudent choice of a Speaker to a small party that first appears; upon which divers Animosities may arise in some that dislike the Election, to the great detriment of the Publick Affairs; which by this means are retarded, and the charges of those Counties whose Burgesses first appeared increased; Be it therefore Enacted, That what Burgess soever shall fail in making his Appearance and attending the Assembly, precisely upon the day of the return of the Writ, shall be fined for every days Absence, Three hundred pounds of *Tobacco*, to be disposed of by the Assembly, unless he be obstructed by some such Impediment as the House shall judge might be a lawful and reasonable Cause to hinder his Coming.

*Fine laid upon* Burgesses *for not appearing on the precise day of the Writ.*

## LXXXVII.

## Burgesses *not to be Arrested.*

FOR the dispatch and reputation of the Publick Business, Be it Enacted, That none of the Burgesses of any Assembly, nor any of their Attendants, shall be Arrested from the time of their Election, until Ten Days after the Dissolution of the Assembly wherein he serves as a Burgess: Provided, That if the Assembly be Adjourned for above

Burgesses *not to be Arrested unless the Assembly be adjourned for above a Month.*

a Month, the several Burgesses shall Ten days after that Session be liable to Arrests and other Processes; and if in the interval of Sessions they be Arrested and Prosecuted to Execution, and that served, the Execution shall be suspended Ten days before the next Session of that Assembly, and continue so until Ten days after it, at which time the priviledge of Burgess shall cease and determine.

## LXXXVIII.

## No Order *to contradict an* Act.

*No act of* Court *or* Proclamation *shall contradict an Act of Assembly.*

BE it Enacted and Confirmed, That no Act of Court or Proclamation, shall upon any pretence whatsoever enjoyn Obedience thereunto contrary to any Act of an Assembly, until the reversal of that Act by a succeeding Assembly.

## LXXXIX.

## Assemblies *to enquire after the* Breach *of* Laws.

WHereas several Laws have been by divers Assemblies made for the good of this Country, which for want of due Observation have not produced the desired Effect; And whereas it is by this Assembly Enacted, That the Grand Jury of Inquests should twice annually make Presentment of the breach of all Penal Laws; and that the Assembly should dispose of the Fines levied upon the several Offenders for the use of the Counties wherein they accrued due: Be it Enacted, That for the future the first day of every succeeding Assembly, shall be imployed in receiving the said Presentments of the Grand Jury, and to enquire into the remissness of Juries and Courts, and how the Laws have been put in Execution, and disposing the Fines, that by that means the Laws may be restored to their due Vigor,

Vigor, and Offenders be deterred from Neglect or Contempt, when they shall find a severe Account of their Observation is so diligently enquired into.

## XC.

## Publick Letters *how to be* Conveyed.

WHereas the remoteness of divers places in the Country from *James City*, and the necessity of communicating divers Businesses to the utmost limits of it, would, if messengers were pressed purposely, put the Country to an annual great expence, for prevention thereof, Be it Enacted, That all Letters superscribed for the use of his Majesty or the Publick, shall be immediately conveyed from Plantation to Plantation, to the place and person they are directed to, under the penalty of Three hundred and Fifty pounds of *Tobacco* to each default; and if any Person be put thereby to any extraordinary Charge, the *Court* of each *County* is hereby authorized to judge thereof and to levy payment for the same; the Superscriptions being signed by the Governour, some one of the *Quorum*, or the *Collonel*, *Lieutenant Collonel*, or *Major* of a *Regiment*; and where any person in the Family the said Letters come to, can Write, such person is required to endorse the day and hour he received them, that the neglect or contempt of any person stopping them may be the better known, and be punished accordingly.

*Extraordinary Charges in conveying publick Letters to be allowed by the County Courts.*

## XCI.

## Divulgers *of false* News.

WHereas many idle and busie-headed People, do forge and divulge false Rumors and Reports, to the great disturbance of the Peace of his Royal Majesties leige People in this Collony: Be it Enacted, That what person or persons soever shall forge or divulge

*Divulgers of false News fined Two thousand pounds of* Tobacco, *and to give Security for their good Behaviour.*

divulge any such false Reports, tending to the trouble of the Country; he shall be by the next Justice of the Peace sent for and bound over to the next *County Court*, where if he produce not his Author he shall be fined Two thousand pound of *Tobacco*, (or less if the Court think fit to lessen it) and besides give Bond for his Behaviour, if it appear to the Court that he did maliciously publish or invent it.

## XCII.

## Chirurgeons *Accounts regulated.*

VVHereas the excessive and immoderate Prices exacted by divers avaritious and griping practicioners in Physick and Chirurgery, hath caused several hard-hearted Masters, swayed by profitable more than charitable respects, rather to expose a sick Servant to a hazard of the recovery, than put themselves to the certain charge of a rigorous, though unskilful Physician; whose demands, for the most part exceed the purchase of the Patient; many other poor people also being forced to give themselves over to a lingring Disease, rather than ruin themselves, by endeavouring to procure an uncertain Remedy: for redress thereof for the future, Be it Enacted, That it shall be lawful for any person or persons conceiving the Account of the Physician or Chirurgeon unreasonable, to Arrest the said Physician or Chirurgeon to the General or County Court, where the Physician or Chirurgeon shall declare upon his Oath the true Value, Cost and Quantity of the Drugs administred; for which, the Court shall grant Order against the Plantiff with Fifty *per Cent.* advance, and such consideration for his Care, Visits and Attendance, as they shall judge he hath deserved; and if it shall appear by Evidence, that the said Physician or Chirurgeon hath neglected his Patient while he was under Cure, the Court shall censure him to pay so much, as they in their discretion shall think reasonable.

*Appeal to the General or County Courts, when Physicians or Chirurgeons are unreasonable in their Demands.*

XCIII. Chi-

## XCIII.

## Chirurgeons *Accounts* Pleadable *after deceaſe of the* Party.

WHereas by Act of many Aſſemblies no Accounts are Pleadable againſt dead mens Eſtates, whereby many Scruples have been made about the Accounts of Phyſicians and Chirurgeons, who cannot poſſibly take Bill: Be it therefore Enacted, That Phyſicians and Chirurgeons Accounts ſhall be Pleadable and Recoverable, for means adminiſtred and pains taken in the time of Sickneſs, whereof the Party dies, and where the patient recovers Six Months after ſuch Recovery and no longer.

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## XCIV.

## Diſcounts *to be made in* Courts.

BE it Enacted, For the avoiding many cauſeleſs Suits in Law, that where any Suit ſhall be commenced in any Court for a Debt, that if the Defendant hath either Bill, Bond, or Account of the Plantiffs, wherein he proves the Plantiff Debtor, ſuch Debt of the Plaintiff ſhall be diſcounted out of the Debt he claimeth of the Defendant, and Judgement ſhall be given for no more than the Ballance of the Debt will amount to, conſideration being always made of the times their ſeveral Debts have been due, and accordingly Allowance made for the time; and becauſe it many times happens that the Defendants in ſuch caſes do procure Bill or Accounts of the Plaintiffs from other men, which he perhaps can diſcount with thoſe to whom he paſſed ſuch Speciality or Account: It is therefore Enacted, That no Bill or Account that being aſſigned over, ſhall by the Aſſignee be pleadable againſt the Debtor, in ſuch Bill or Account, unleſs the Aſſignee can prove that he gave the Debtor notice before his acceptance

of the Aſſignment, and that the Debtor at that time pretended to no diſcount againſt it.

## XCV.

## Accounts *againſt Dead Mens* Eſtates.

WHereas too ſad Experience hath ſhewed that Accounts againſt the Eſtates of perſons deceaſed, have often unjuſtly devoured the Eſtates, and brought the Wives and Children to Poverty and Ruin; and whereas as well the Laws of *England* as of this *Country* permit not any thing to be Pleadable againſt any perſon that cannot wage his Law, which Executors and Adminiſtrators are utterly uncapable of: Be it therefore Enacted, That no Book Debts or Accounts ſhall be henceforth pleadable againſt the Eſtate of any perſon deceaſed, nor againſt any living, if the ſaid Perſon ſhall upon his Oath deny the ſame to be due, unleſs they be ſuch Accounts as by particular Acts of the Aſſembly, as Officers Fees, Levies and Chirurgeons Accounts are Pleadable; neither ſhall any Man be put to his Oath upon an Ordinary Keepers Account, but the ſaid Ordinary Keeper ſhall take the hand of any perſon (calling for any Drink or Proviſion) to his Book or elſe his Bill, or otherwiſe his Debt ſhall not be Pleadable.

*Debts due to Ordinary Keepers.*

## XCVI.

## *Ballancing Accounts of deceaſed perſons.*

AND whereas divers Men being indebted to others upon Account, may be induced to deliver Goods to them or their Aſſigns in Ballance, yet take no Receipt, which Account upon the death of either party may be brought by his Executors or Adminiſtrators againſt the Survivor, of which he cannot upon his Oath deny the Receipt,

ceipt, yet that Account, though justly ballanced before, is often recovered by this Act prohibiting Accounts against Dead Mens Estates, yet leaving liberty to their Executors or Administrators to sue for an Acount due to the Estate of the person deceased: Be it therefore Enacted, That Accounts against a Dead Mans Estate being sufficiently proved, shall be admitted in discount of an Account, due to such Dead Mans Estate; but if the Account brought against the Estate, exceed that due to the Estate, the Survivor, for the overplus shall be dismissed without day. Provided also, That where the Party charged as Debtor to any one, shall refuse upon his Oath to deny the Account brought against him (except an Ordinary Keepers, which it is impossible to keep in Memory, or any part thereof) the Court shall take the Account to be due, as by confession, and shall give Judgment for so much thereof as he shall not deny as aforesaid.

*Accounts against a dead mans Estate, shall be admitted in Discount.*

## XCVII.

## Ordinary Keepers *how to Sell.*

WHereas continual Complaints are made of the Exaction of Ordinary Keepers and others in the Rate and Measures of Strong Drink, by them retailed and sold: Be it Enacted, That no Person after the First of *March*, One thousand six hundred sixty and three, shall sell or vend by retail any Wine, Beer, or other Strong Drink, of what sort soever, by any Measures but English Sealed Measures, of Pints, Quarts, Pottles, or Gallons, and that every one that now doth, or hereafter shall keep any Ordinary, shall by the said first of *March* 1663, provide such Measures to sell by in his House; and in case he fail, shall be put down from keeping any Ordinary, and fined Five thousand Pounds of *Tobacco* to the use of the publick. Provided always, That it shall be lawful for them to sell English Strong Waters, coming over in Cases, by the Bottle, in the same Bottles they bought them.

*Ordinary Keepers shall sell by English Measures.*

And for preventing many Disorders and Riots in Ordinaries and other places where Drink is retailed, Be it Enacted, That no person or persons whatsoever, shall in their Houses retail any Drink, but such as shall obtain a Licence from the Commissioner of the County where he lives, signed by the first in Commission of that Court, by giving Bond according to

*None to retail Drink but such as have Licences.*

to the Laws of *England*, and further obliging himself to sell at the rates set by the Commissioners, and to pay annually to the Governour Three hundred and fifty Pounds of *Tobacco* and Cask for his Licence.

## XCVIII.

## Servants *how long to* Serve.

*All Servants coming in without* Indenture, *shall serve Five years, if above Sixteen years of Age, and all under till they are Four and twenty.*

WHereas the Thirteenth Act 1659, doth Enact, That all persons brought as Servants into this Country, of what Christian Nation soever they be, should serve no longer than our own Nation, which is Five Years, if above Sixteen Years of Age, if under, until One and twenty, as by the Thirtieth Act of the said Assembly appears; and in regard the said Thirtieth Act doth contrary to Law, look backward, and set free several Servants Aliens, purchased upon a former Act of Assembly made the Fourth of 1654. Be it therefore Enacted, That all Aliens and others coming in while that Act and the others are in force, shall serve according to those Acts; and that for the future, all the aforesaid Acts shall be repealed, and all Servants hereafter coming in without Indenture shall serve Five Years, if above Sixteen Years of Age, and all under that Age shall serve until they be Four and twenty Years Old, that being the time limited by the Laws of *England*, and that the several Courts at the Request of the Master make Inspection and judge of their Age.

## XCIX.

## *Against secret* Marriage.

WHereas much loss and detriment doth arise to divers Masters of Families by the Secret Marriages of Servants, the said Servants through that occasion neglecting their Works and often purloining their Masters Goods and Provisions: Be it therefore Enacted, That no Minister either Publish the Banes, or Celebrate the

the Contract of Marriage between any Servants, unless he have from both their Masters a Certificate that it is done with their consent; and the Minister doing otherwise shall be Fined Ten thousand Pounds of *Tobacco*, and the said Servants both Man and Woman, that shall by any indirect means procure themselves to be Married without consent of his and her Master, shall for such their Offence, each of them serve their respective Masters One whole Year after the time of Service by Indenture is expired: And if any person being free, shall clandestinely marry with a Servant as aforesaid, he or she so marrying, shall pay to the Master of the Servant Fifteen hundred Pounds of *Tobacco* or a Years Service, and the Servant so being married shall abide with his or her Master the time by Indenture or Custom, and a year after as aforesaid.

*Servants may not be Married without producing Certificates from their Masters.*

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## C.

## *Against* Fornication.

FOR restraint of the filthy Sin of Fornication; Be it Enacted, That what Man or Woman soever shall commit Fornication, he and she so offending, upon proof thereof by Confession or Evidence, shall pay each of them Five hundred Pounds of *Tobacco*, [redacted] to the use of the Parish or Parishes they dwell in, and be bound to their good Behaviour, and be Imprisoned till they find security to be bound with them; and if they or either of them committing Fornication as aforesaid, be Servants, then the Masters of such Servants so offending shall pay the said Five hundred pounds of *Tobacco* as aforesaid, for which the said Servant shall serve half a year after the time by Indenture or Custom is Expired; and if the Master shall refuse to pay the Fine, then the Servant to be Whipped; and if it happen, that a Bastard Child be gotten in such Fornication, then the Woman, if a Servant, in regard of the loss and trouble her Master sustains by her having a Bastard, shall serve two years after her time by Indenture is Expired, or pay Two thousand pounds of *Tobacco* to her Master, besides the Fine or Punishment for committing the offence, and the reputed Father to put in security to keep the Child and save the Parish harmless.

*Persons convicted of fornication, Fined Five hundred pounds of Tobacco.*

*Servants guilty thereof how to be punished.*

## CI.

# *Hired* Servants.

*Servants when their time is expired shall take Certificates of their Freedom.*

*And produce them when entertained by other Masters.*

WHereas divers persons, that by Indenture, Custom, or After-Contracts for Wages, being Servants to several Men, do many times run away to Plantations far remote; and there being unknown, procure Entertainment with others for Wages or Shares, to the great damage, and sometimes utter undoing of their true Masters, and also of those that ignorantly entertain them, by paying the Fine; for prevention whereof for the future, and for the better discovery of such Run-aways: Be it Enacted, That all Servants at the Expiration of their time, shall with their Master or a sufficient Testimonial from him, go to the Court in that County where he served, and there enter his Freedom, and take Certificate thereof from the Clerk of the said Court; which Certificate shall be sufficient Warrant for any person to entertain him into his Service; and whoever after his first time by Indenture is expired, and Certificate thereof taken out as aforesaid; shall again upon any Terms become servant to another, the Master then hiring the said Servant shall take his Certificate of Freedom and keep it until the time contracted for be expired; and whoever shall entertain or harbour any Servant, or hired Free-man running away from his Masters Service, and not having a Certificate as aforesaid, shall pay to the Master of the said servant Thirty pounds of *Tobacco per* day and night for all the time they shall harbour or entertain them. Provided that if such Run-away Servants shall forge a Certificate or steal the true one from the Master he is hired to, and by that means procure himself Entertainment, the person entertaining him shall be free from the Fine, but the Servant stealing or forging a Certificate, shall be punished for his forgery, by standing in the *Pillory* two hours upon a Court day; and if any person coming free into the Country, shall by any Contract agree with one person, and before the time agreed for be accomplished, shall depart to annother, he shall first perform the tenor of his Contract first made, and pay the apparent Damages that shall arise by his breach of Covenant, and shall after that satsfied, be liable to the payment of what

what Damages any other Contractor with him ſhall recover of him by Law; and in regard the Certificates of Freedoms may be worn out and loſt, and by thoſe means New ones be required: It is further Enacted, That every Clerk upon ſuch pretence granting a new Certificate, ſhall mention in that the loſs of the firſt, and that for that cauſe this ſecond was iſſued.

## CII.

### *Run-aways.*

WHereas there are divers loitering Run-aways in this Country, who very often abſent themſelves from their Maſters ſervice, and ſometimes in a long time cannot be found, the loſs of their time and the charge of the ſeeking them, often exceeding the value of their labour: Be it therefore Enacted, That all Run-aways that ſhall abſent themſelves from their ſaid Maſters Service, ſhall be liable to make ſatisfaction by ſervice, after the times by Cuſtom or Indenture are expired (*Viz.*) double their time of ſervice ſo neglected; and if the time of their Running away was in the Crop, and the charge of recovering them extraordinary, the Court ſhall adudg a longer time of Service, proportionable to the Damage the Maſter ſhall make appear he hath ſuſtained; and becauſe the adjudging the time they ſhould ſerve, is often referred until the time by Indenture is expired, when the proof of what is due is very uncertain: Be it Enacted, That the Maſter of any Run-away that intends to take the benefit of this Act, ſhall as ſoon as he hath recovered him, carry him to the next *Commiſſioner* and there declare and prove the time of his abſence, and the Charge he hath been at in his Recovery; which *Commiſſioner* thereupon ſhall grant his Certificate, and the Court on that Certificate paſs Judgment for the time he ſhall ſerve for his abſence.

*Run-away Servants ſhall ſerve their Maſters twice the time of their abſence, after the time of their Indenture is expired.*

And in caſe any *Engliſh* Servant ſhall run away in Company of any *Negroes*, who are incapable of making Satisfaction by Addition of time: It is Enacted, That the *Engliſh* ſo running away in the company with them, ſhall at

*English Servants running away in company with Negroes.*

at any time of Service to their own Masters expired, serve the Masters of the said *Negroes* for their absence, so long as they should have done by this Act, if they had not been Slaves, every *Christian* in company serving his proportion; and if the *Negroes* be lost or die in such time of their being run away, the *Christian Servants* in company with them, shall by Proportion among them either pay Four thousand five hundred pounds of *Tobacco* and *Cask*, or four years Service for every *Negro* so lost or dead.

## CIII.

## *Cruelty of* Masters *prohibited.*

*Servants too rigorously dealt withal, or wanting Necessaries, may make complaint to the Commissioners.*

WHereas the Barbarous usage of some Servants by cruel Masters, brings so much Scandal and Infamy to the Country in general, that people who would willingly adventure themselves hither, are through fear thereof diverted, and by that means the supplies of particular men, and the well-seating of his Majesties Country very much obstructed: Be it therefore Enacted, That every Master shall provide for his Servants competent Diet, Clothing and Lodging, and that he shall not exceed the bounds of moderation, in correcting them beyond the merit of their offences; and that it shall be lawful for any Servant, giving notice to their Masters, having just cause of complaint against them, for harsh and bad usage, or else for want of Diet or convenient Necessaries; to repair to the next Commissioner to make his or their Complaint; and if the said Commissioner shall find by just proof that the said Servants cause of Complaint is just, the said Commissioner is hereby required to give order for the Warning of such Master to the next *County Court*, where the matter in difference shall be determined, and the Servant have remedy for his grievance.

CIV. *Against*

## CIV.

## *Against Unruly* Servants.

VVHereas the Audacious Unrulineſs of many Stubborn and Incorrigible Servants, reſiſting their Maſters and Overſeers, hath brought many Miſchiefs and Loſſes to divers Inhabitants of this Country. Be it Enacted and Ordained, That the Servant that ſhall lay violent hands on his or her Maſter, Miſtriſs, or Overſeer, and be Convicted thereof by Confeſſion or Evidence of his Fellow Servant, or otherwiſe, before any Court in this Countrey, the ſame Court is hereby Required and Authorized to Order ſuch Servant to ſerve his or her Maſter, or Miſtriſs, or their Aſſigns, One year after his or her time by Indenture or Cuſtom is expired. Be it Enacted, That no Perſon or perſons whatſoever, for any Offence committed, ſhall be adjudged to ſerve the Country as Collony-Servants.

*One Years Service to be given, for ſtriking a Maſter or Miſtriſs.*

## CV.

## *Againſt Trading with* Servants.

WHereas divers ill-diſpoſed Perſons do ſecretly and covertly Truck and Trade with other Mens Servants and Apprentices, who to the great injury of their Maſters, are thereby induced and incouraged to Steal, Purloyn, and Imbezle their Maſters Goods: Be it therefore Enacted, That what Perſon or Perſons ſoever ſhall Buy, Sell, Trade or Truck with any Servant for any Commodity whatſoever, without Licence or Conſent of the ſaid Servants Maſter, he or they ſo offending againſt the Premiſes, ſhall ſuffer One Months Impriſonment without Bail or Mainprize, give Bond with Security for his good Behaviour; and alſo ſhall Forfeit to the Maſter of the ſaid Servant Four times the Value of the things ſo Bought, Sold, Trucked or Traded for.

*No Perſon ſhall Trade with Servants without Licenſe or Conſent of their Maſters.*

## CVI.

## *No* Tobacco *to be Planted after the Tenth of* July.

WHereas it hath been taken into serious Consideration, that the Improvement of our only Commodity *Tobacco*, can no ways be effected but by lessening the Quantity and amending the Quality. And further, That all Stints will prove clearly inconsistent with the being of the Countrey, while *Maryland* remains a distinct Government, unless of such a Nature as may produce both the aforesaid Effects without Abridgement of any Mans Endeavours or confining him to any set Number of Plants; for which cause the Assembly hath Enacted, That no *Tobacco* be Planted after the Tenth of *July*; And that whosoever shall directly or indirectly Plant, or Re-plant, or cause to be Planted or Re-planted any *Tobacco* after the said Tenth of *July*, shall Forfeit Ten thousand Pounds of *Tobacco*, to the use of the Publick.

*The Penalty of Transgressing this Act.*

## CVII.

## *No Seconds or Slips.*

ANd be it further Enacted, That what Person or Persons soever shall tend, or suffer, or cause to be tended any second Tops or Slips, shall Forfeit Ten thousand Pounds of *Tobacco* to the Publick. Be it furthr Enacted, That what Person or Persons soever shall Save, Pack, or Sell, or Send away any Ground Leaves, which are hereby required to be totally supprest, shall forfeit for every Hogshead proved to have the Quantity of Five Pounds of Ground-Leaf *Tobacco* in it, Five thousand Pounds of *Tobacco* to the use of the publick. And it is further Enacted, That the Grand Jury shall take particular care of the Observation of this Act, and shall make due Presentment to the County Courts of any such as shall Plant or Tend any *Tobacco* contrary to the tenor hereof.

*Ground-Leaves of Tobacco shall not be pack'd up for Sale.*

CVIII. *Im-*

## CVIII.

### *Improvements of Staple Commodities.*

WHereas the uncertain Value of *Tobacco*, the Unstaplenesʃs of the Commodity, and the probability of its Planting in other places, threaten this Countrey with the danger of an unavoidable ruin, which must in time fall upon it by the increase of the makers of it among our selves (who have already so glutted all Markets, that great quantities are yearly left in the Country, and that which is sent out, sold at so mean and inconsiderable a Rate, as neither Merchant nor Planter can well subsist by) unless some other Course be speedily taken for Improvement of such other Commodities as the Country will produce, and making as many of them as we can into Manufactures, and giving Encouragement to all persons of what Ability soever to attempt it, which the former Acts for Encouragement to make Staple Commodities have been defective in, by only proposing Rewards to great quantities of every Commodity made, which whoever goes about, must if he fail, be ruined, or if he make the quantity proposed, will have no need of the gratuity, which is better to be suited proportionably to the meanest quantity. Be it therefore Enacted, That the Assembly this present year send into *England* for a considerable quantity of Flax Seed to be distributed into the several Counties, and deliver it to certain persons who may sell it out to several Inhabitants, and the produce thereof be paid the Year following with the levy, and the Country Stock by that means made good, according to the Fifth Act of Assembly 1661, to make their proportions of Flax. And whoever will Spin the Flax and Cause the Yarn to to be Weaved into Cloth of a Yard wide, shall for every Yard of Cloth so Woven of Yarn made of Flax grown in the Country, have Three Pounds of *Tobacco*. And for every Yard of Woollen Cloth made of Yarn here Spun in the Country, Five Pounds of *Tobacco*, which upon produce of Certificate from some Justice of Peace in the County, that he hath seen the same in Loome, and that to his knowledg it was really made in the Country as aforesaid, shall upon producing the same to the Governour and Council, be paid so much in the publick levy in the same County where they dwell.

*Flax-Seed to be distributed into each County.*

*Allowance for every Yard of Linnen and Woollen Cloth made of the product of the Country by the publick.*

CIX. *An*

## CIX.

# *An Act for* Mulberry-Trees.

*TenMulberry Trees shall be Planted upon every hundred Acres of Land holden in Fee.*

WHereas by experience Silk will be the most Profitable Commodity for the Country, if well managed: And whereas the greatest conducement thereunto required, is Provision of *Mulberry-Trees*: Be it Enacted and Confirmed by this present Grand Assembly, That every Proprietor of Land within the Collony of *Virginia*, shall for every hundred Acres of Land holden in Fee, Plant upon the said Land, Ten *Mulberry-Trees* at twelve foot distance each from other, and secure them by Weeding and a sufficient Fence from Cattle and Horses, &c. between this and the last of *December* 1663; and for every Tree that shall be wanting and untended in manner aforesaid, of the said Proportion, at the said last of *December* 1663, he the said Proprietor that shall be so delinquent, shall pay Twenty pounds of *Tobacco* to the publick: Provided that this Act do not extend to *Orphans*, until the Expiration of Five years after their full age; and then if deliquent, to be liable as aforesaid, and no man planting more then his number, shall excuse any that hath planted less: Provided also that this Act extend not to such Proprietors as are not in actual possession. And because his Majesty hath taken particular notice of the great folly and negligence of the Country, in omitting the propagation of so Noble and Staple a *Commodity*: It is Enacted, That the Grand Jury do strictly inquire into the Breach of this Act, and make Presentment thereof, that the Offenders may accordingly be punished: And be it further Enacted, That for the encouragment of all Persons that shall endeavour to make Silk, there shall be allowed in the Publick Levy to any one for every pound of Wound Silk he shall make, Fifty pound of Tobacco, to be raised in the Publick Levy, and paid in the *County* or *Counties* where they dwell that make it.

*The Penalty of delinquency.*

*Fifty pound of Tobacco allowed by the Publick for every pound of Wound Silk.*

CX. *En-*

## CX.

## *Encouragment to build* Veſſels.

FOr Encouragement of building *Veſſels* in this *Country* and the promoting of Trade: Be it Enacted, That whoever ſhall build a *Veſſel* of any burthen decked and fitted to go to Sea, ſhall for every Tun burthen the ſaid *Veſſel* ſhall contain, receive upon proof of her being ſo built, Fifty pound of Tobacco out of the Publick Levy.

*Fifty pound of Tobacco per Tun allowed by the Publick for all Veſſels built in this Colony.*

Whereas Collonel *Edmund Scarbrough* hath to his particular great Charge, but to the Infinite good of the *Country*, erected a Salt Work, for which he hath received deſerved Thanks the laſt Aſſembly, this Aſſembly for his greater Encouragment, hath thought fit to grant him the uſe of Money raiſed this year out of the Two Shillings *per* hundred in *Northampton County*; with condition that he make repayment of the ſame to thoſe the Aſſembly ſhall allot it the next year, in Salt at Two Shillings and Sixpence *per* Buſhel, and Soap at And be it further Enacted, That after the firſt of *September* 1663, no Maſter of Ship, Barque or Veſſel, or any other perſon, Merchant or Trader, ſhall bring in any Salt into the Country of *Northampton*, under the Penalty of confiſcating his Ship, Barque or Veſſel, and goods, to the end that he and others may be encouraged in their induſtrious Endeavours to promote the Good of the Country.

*Salt-Work.*

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## CXI.

## Tan-Houſes *to be* Erected.

BE it alſo Enacted, That according to the firſt Act of Aſſembly 1660, there be Erected in each *County*, at the Charge of the County, one or more Tan-Houſes; and that they Provide Tanners, Curriers and Shoomakers, to Tan, Curry, and make the Hides of the Country into

Leather and Shooes; and that the persons intrusted with the over sight of the Work-men, and the managing the Trade, do allow to the Inhabitants of the County for ever dry Hide they bring, at the rate of Two pounds of Tobacco *per* pound, and sell their Shooes for Thirty pounds of Tobacco for plain Shooes, and Thirty five pounds of Tobacco for Wooden-heels, and French-falls of the Six largest Sizes, and Twenty pounds of *Tobacco* a pair for the smallest Shooes.

*Prices to be allowed for Hides.*

*Rates for Shooes.*

## CXII.

## *Two Acres of* Corn *for each Tythable.*

BE it hereby Enacted, That all persons within this *Collony*, shall Plant or Tend for every Tythable person tending a Crop in their Family, Two Acres of Corn or Pulse, under the Penalty of Five hundred pounds of Tobacco for every Acre neglected as aforsaid, to be paid by the Delinquent, and to be levied by the Sheriff for the Counties use; and the Grand Jury in their several Limits to look strictly after the breach of this Act: And for Encouragement for Men to sow *English* Wheat, which may be a Staple Commodity to vent out of the Country: It is further Enacted, That the sowing of one Acre of Wheat, shall excuse the planting of the two Acres of *Indian* Corn, or other Corn or Pulse, as this Act enjoyns.

*Or one Acre of* English *Wheat.*

## CXIII.

## *Stray-Horses*, &c.

FOr remedy of the great abuse and wrong done in taking up of Stray-Horses, Cattel, and Boats lost, not only in concealing them, but in using and imploying them, to the hurt and damage of the Owners: Be it Enacted by this present Grand Assembly, That every person or persons that shall take up and keep any Stray-Horses, Cattle,

Cattle, or Boat, ſhall cauſe the ſaid Horſes and Cattle, with the Mark, Stature and Colour, and the ſaid Boat, with her Proportion, and what was found in her, to be cried publickly in all the *Churches* and *Chappels* in the *County*, within one Month after the taking them up; and in the mean time ſecurely to lay up the ſaid Boat: And if no Owner appear upon this Publick Notice given, then to publiſh the ſame, and ſet it up in Writing at the next *County Court*; where if no Owner appear, then it ſhall be lawful for him to make uſe of the ſaid Boat until the Owner do appear; who ſhall allow him for his pains One hundred pounds of Tobacco.

*Stray Horſes, Cattle, &c. ſhall within a Month after they are taken up, be Cried publickly in all the* Churches *and* Chappels *of the* County.

*What to be done in caſe the Owner be not found.*

## CXIV.

1662

### *Free Trade.*

BE it Enacted, That Free-Trade be allowed to all the Inhabitants of this *Country* to buy and ſell at their beſt advantage; and that all Acts concerning Ingroſſing be from henceforth repealed and made void: Provided always, that no perſon or perſons ſhall have any Commerce or Trade with any *Indians* for *Beaver*, *Otter*, or any other Furs, except thoſe commiſſionated by the *Governour*.

*Trade permitted with the* Indians.

*But not for* Beaver, Otter, *or any other Furs without* Commiſſion.

## CXV.

### *Exportation of* Hides.

WHereas the Exportation of Hides, Wooll, and Iron, is generally conceived to be much prejudicial to the Common-Wealth and good of this Collony: Be it therefore Enacted by the Authority of this preſent Grand Aſſembly, That what perſon or perſons ſoever ſhall export out of this Country either Wooll, Hides or Iron, ſhall for every

*Hides, Wooll, and Iron, ſhall not be exported.*

every of their Offences in ſo doing, pay as followeth, *viz.* for every Hide ſo exported the Sum of One thouſand pounds of Tobacco; and for every pound of Iron Ten pounds of Tobacco, and for every pound of Wooll, Fifty pounds of Tobacco; the one half of which ſaid Payments and Forfeitures ſhall be paid to the Informer, and the other half to the Publick.

## CXVI.

## *Exportation of* Money.

*Pieces of Eight ſhall paſs for Five Shillings Currant.*

*No perſon ſhall export above the Sum of Forty Shillings.*

BE it hereby Enacted by this Grand Aſſembly, That no falſe Money ſhall paſs for Currant in this Countrey, but pieces of Eight that are good and of Silver, ſhall paſs for Five Shillings Currant Money, upon Penalty of Twenty Shillings to be paid by the Refuſers of them: And that none ſhall export Money out of this Country above the Sum of Forty Shillings; If any ſhall exceed the ſame Sum to forfeit double thereof.

## CXVII.

## *Size of* Virginia-Hogſheads.

*Virginia Hogſheads ſhall be 43 Inches in length, and the heads 26 Inches over.*

IT is Enacted upon the complaint of divers Maſters and Merchants of Ships againſt the incertainty and extraordinary Size of Cask which hath been very much prejudicial to them, That a certain Size of all *Tobacco* Cask of *Virginia*-Hogſheads ſhall be as followeth, *viz.* Forty Three Inches in length, and the head Twenty ſix Inches wide, with the Bouge proportionable; and whoever ſhall make Cask of a greater ſize, ſhall pay upon proof made to any Court, if he be a Freeman, otherwiſe his Maſter or Miſtriſs that imploys him, Three thouſand Pounds of *Tobacco*, the one half to the Informer the other half to the County where the

the Cask is made. And if any Cask ſhall be made of Timber not ſeaſoned, then ſuch Cask to be burnt.

## CXVIII.

### *Againſt private taking away Boats.*

FOraſmuch as divers perſons ſuffer great Damages by private and concealed taking away Boats or Canoos without Licence from the Owners thereof: It is Enacted and Confirmed by the Authority aforeſaid, That the Commiſſioners of each County Court ſhall be hereby impowered (if required) to order and give ſatisfaction from the party ſo treſpaſſing to thoſe injured by want of his or their Boat, Boats, or Canoos, Five hundred Pounds of *Tobacco* Penalty to the Owner, and what Damage the Boat ſuſtains.

## CXIX.

### *Againſt Shooting.*

WHereas it is much to be doubted the common Enemy the *Indians*, if opportunity ſerve, will ſuddenly Invade this Country and bring it to a total Subjection of the ſame; And whereas the only means for diſcovery of their Plots is by Alarums, of which no certainty can be had, in reſpect of the frequent Shooting of Guns in Drinkings, whereby they proclaim and juſtifie that beaſtly Vice: Be it therefore Enacted, That what Perſon or Perſons ſoever, ſhall after publication hereof Shoot any Guns at Drinkings or Marriages (Burials excepted) ſuch perſon or perſons ſo offending ſhall forfeit Two hundred Pounds of *Tobacco* to the publick, to be levied by diſtreſs in Caſe of refuſal.

*Shooting off Guns at Drinkings or Marriages forbidden.*

## CXX.

## *Supply of* Ammunition.

BE it Enacted, That a provident Supply be made of Guns, Powder, and Shot to our own people, and this strictly to be looked to by the Officers of the Militia; *viz.* That every man able to bear Arms, have in his House a fixed Gun, two pounds of Powder, and eight pounds of Shot at least; which are to be provided by every man for his Family before the last of *March* next: And whosoever shall fail in making such provision, to be fined Fifty pounds of Tobacco, to be laid out by the County Courts for a Common Stock of *Ammunition* for the County; the Enquiry referred to the Grand Jury.

*Every person able to bear Arms, shall keep in his House a Gun, 2 l. of Powder, and 8 l. of Shot.*

## CXXI.

## *Against Exacting* Millers.

WHereas by a Second Act of a Grand Assembly *Anno* 1645; It was Ordered and Established, for the Reforming the great abuse of Millers in Exacting Excessive and Illegal Toll, That no Person or Persons using or occupying any Mill, should take or receive for the Grinding of any Grain, or exchanging it for Meal, above the sixth part thereof for Toll; which Act hath not taken such Effect as was intended thereby, in respect as is conceived, neither Penalty was imposed therein upon the Offendor, nor the Execution thereof was given in direction to any particular Officer. It is therefore thought fit to enlarge the said Act, and by Vertue thereof to require all Millers and Owners of Mills, to provide by the Five and twentieth day of *June* next come Twelve-month, Stilliards or Statute Weights and Scales, by which they are to receive in and deliver out all Grain: And that they do sufficiently grind and exchange the said Grain so brought, upon the penalty (in case they do cxaet beyond the said proportion for grinding or exchanging, or in case of default of such Weights

*Millers shall receive in Corn, and deliver it out by Statute Weights and Scales.*

Weights or Scales, or for not ſufficiently grinding) of the ſum of One thouſand pounds of *Tobacco*, and that the *Grand Jury* enquire thereof. *Penalty upon* Millers Exactions.

## CXXII.

## *Againſt* Exportation *of* Engliſh Goods.

WHereas the neceſſities of this Countrey are relieved chiefly by the *Importation* of *Engliſh Goods*, and that relief much obſtructed by many that bring in unneceſſary Commodities, and make ſale thereof for *Tobacco*; which they again truck for *Subſtantial Commodities*, as *Cloathing* and the like: and by that means leave the Countrey deſtitute of its own Supplies: It is hereby Enacted, That what perſon or perſons ſoever, ſhall after the First of *June* next export out of the Collony any *Engliſh Goods*, not by him formerly imported, ſhall upon diſcovery forfeit ſuch *Goods*, and be fined the value, the one half to the Informer, and the other to the Publick.

## CXXIII.

## No Mares *or* Sheep *to be tranſported*.

IT is alſo Enacted, That no *Mares* or *Sheep* be tranſported out of the Countrey, upon treble the value to be forfeited by the Offendor, and by him paid, one half to the *Informer* and the other half to the *Publick*.

## CXXIV.

## *Against* Selling *of* Rum *but in places appointed.*

*Six pence payable for every Gallon of* Rum, *and One penny for every pound of* Pavele Sugar *brought on Shore at any other* Port *than is appointed by the* Assembly.

WHereas the exceſſive abuſe of *Rum* hath by experience been found to bring Diſeaſes and Death to divers people, and the purchaſing thereof made by the exporting and unfurniſhing the Countrey of its own Supplies and Staple Commodities: It is Enacted, That what Veſſel ſoever ſhall after the Firſt of *March* 1663, except ſuch as belong wholly to Inhabitants of this Countrey, bring in them any *Rum* or *Pavele Sugar*; the ſaid Veſſels ſo bringing it in, ſhall not unload or ſell the ſame at any place or places, but ſuch as are by Act of Aſſembly appointed Ports for the vent of the ſaid Commodities; and ſhall bring the ſame on Shore, and enter the quantity, and pay for every Gallon of *Rum* Six pence Cuſtom, and for every pound of *Pavele Sugar* One penny, before they ſhall be permitted to ſell or diſpoſe of any part thereof.

## CXXV.

## *Against* Stealing *of* Hoggs.

Hogg-Stealers *ſhall pay* 2000 l. *of* Tobacco, *half to the Owner, and half to the Informer.*

*Or elſe ſhall ſerve two years, one to the Owner, and one to the Informer.*

WHereas the Stealing and Killing of *Hoggs* is a Crime uſually committed; and ſeldom or never detected or proſecuted in this Collony: Be it therefore Enacted, That for the better prevention thereof, that whoſoever ſhall ſteal or unlawfully kill any Hogg which is not his own; and the ſaid Fact being proved by ſufficient Evidence, he or they ſo offending, ſhall pay to the Owner of the ſaid Hogg One thouſand pounds of *Tobacco*, and One thouſand pounds of *Tobacco* to the Informer. And in caſe of inability to pay and ſatisfie the ſaid Sums, the perſon ſo offending ſhall ſerve Two years; *viz.* One year to the right Owner of the ſaid Hogg, and the other to the Informer. And if any per-

person be found to bring home any Hog or Hogs so killed, without their Ears, shall be adjudged a Hog-stealer, and to be proceeded against accordingly. And that such persons as shall receive such Hogs into their Houses, and not immediately discover the same to the next Commissioner, then such Receiver shall be proceeded against as if he had been an Actor in the Trespass. And in case the Owner of the Hog inform, he to have both the Fines.

## CXXVI.

## Masters *of* Ships *to provide Four Months* Provision.

Be it Enacted, That all Masters of Ships shall be obliged hereby to provide Four Months allowance of Victuals for Passengers at their setting forth from the *Downs* or other Ports of *England*, and to give the Passengers sufficient allowance of Diet all the Voyage: And Commanders of Ships respectively, to take care that poor Servants do not want Bedding in the Voyage. In which particulars aforesaid, if any shall offend, they shall be liable to grievous Censure here according to the merit of the Offence.

*Masters of Ships shall give sufficient Allowance of Diet to Passengers. And take care that poor Servants have good Lodging.*

## CXXVII.

## *Concerning* Passes.

Be it also Enacted and Confirmed, That no Master of any Ship, Vessel, Boat, or Barque, shall transport any person or persons out of this Collony, except the said person or persons produce a Pass under the hand of the Secretary, or such whom he shall depute or appoint, upon the penalty to pay all such Debts as any such person shall

*No Master of a Ship shall Transport any person out of this Collony; except the said person produce a Pass.*

ſtand indebted to any perſon within this Collony at his or their departure, and pay a Thouſand pounds of Tobacco to the Secretary for his Contempt. And it is further Enacted, That before any ſuch Paſs ſhall be ſigned to any perſon, he or they ſhall bring a Certificate from the *Monthly Court* where he or they reſide, that he hath ſet up his Name upon a Court day, ten days at leaſt before his departure, at the *County Court* where he reſides: Or otherwiſe ſhall put in ſufficient Security for the payment of all Debts that are due or owing from them to any perſon within this Countrey, or his Name to be publiſhed and ſet up at the Church door two Sundays in each Pariſh in the County where it is preſumed all perſons will be; and the Readers Teſtimonial to the Clerk ſhall be ſufficient Warrant for him to grant a Certificate: And the Secretary and Security after a year and a day to be diſcharged.

*The Method to be obſerved in granting ſuch Paſſes.*

## CXXVIII.

## *Impoſitions of* 2 s. *each* Hogſhead.

THis preſent Grand Aſſembly of *Virginia*, taking into ſerious Conſideration the burthenſome and unequal way of laying Taxes by the Pole, and how they may with moſt honour and eaſe ſupport the Government, in well paying his Majeſties Officers, and as means perhaps of introducing Money, and an Encouragement to Men to produce other uſeful and beneficial Commodities, have thought fit to impoſe two Shillings *per* Hoſhead upon every Hogſhead of Tobacco that ſhall be Shipped on Board of any Ship or other Veſſel within *Virginia* to be exported; and the Collectors of the ſaid Impoſition to diſpoſe of no part thereof, but by order of the Grand Aſſembly only: Be it therefore Ordained and Enacted by this preſent Grand Aſſembly and the Authority thereof, And it is hereby Enacted, That the Maſter and Maſters of all and every Ship and Veſſel coming to Trade in *Virginia*, ſhall upon demand made by the Collector or Collectors, who ſhall by order of Aſſembly be impowered to receive the ſaid Impoſition from every Ship or Veſſel, enter into ſecurity to pay ſuch Collector or Collectors two Shillings for every Hogſhead

head of Tobacco, that ſhall upon any account whatſoever be Shipped on Board his Ship or Veſſel to be exported: The ſaid Payment either to be made in Money, Bills of Exchange, or Goods at Thirty *per Cent.* Advance upon the Price of ſuch Goods at the firſt Penny, and all Freighters to be accomptable to the ſaid Maſters for the Tobacco by them Shipped.

*Maſters of Ships ſhall give an Account of their Freight to the Collector upon Oath.*

Be it alſo Ordained and Enacted by the Authority aforeſaid, for the diſcovery of the number of Hogſheads each Ship or Veſſel contains, that the Maſter of ſuch Ship or Veſſel ſhall deliver his Boats-ſwains Book to the peruſal of the Collector, and make Oath of the Truth of the ſame ſo far as he knoweth; and that the Mates, Boats-ſwain, or any other Sea man be ſworn, if the Collectors ſee cauſe to diſcover the Truth of the ſaid Freight.

*Maſters of Ships concealing any part of their Freight, fined* 100 l. *Sterling.*

And if any Maſter of Ship or Veſſel, ſhall wittingly or willingly conceal any part of his Freight from the Collector, and ſhall thereof be lawfully convicted; then the ſaid Maſter ſhall forfeit for every ſuch Offence the Sum of One hundred pounds *Sterling*, one Moiety thereof to go to the Informer, and the other to the Publick, and to be recovered by Action of Debt, Bill or Plaint in General Court or County Court, by vertue of this Act, againſt which no Aſſoin, Wager of Law or Protection to be allowed to any Perſon ſo offending: Be it further Enacted and Ordained, That if any Maſters ſhall paſs Bills of Exchange for the ſaid Impoſition, that then the Collectors are hereby required to take ſufficient Caution of the ſaid Maſter for the true and good Payment of the ſame: It is hereby alſo Ordained and Enacted, That the Collectors of the ſeveral Rivers and Places in *Virginia*, for the Receiving of the ſaid Two Shillings *per* Hogſhead, be appointed and confirmed by this preſent Grand Aſſembly, and give ſufficient Security and Caution for the due Execution of the truſt thereby repoſed in them; and to be accomptable to the next Aſſembly according to the tenor of this Act; and the ſaid Collectors to be allowed Ten *per Cent.* ſallery for collecting the ſaid Impoſition: Provided always, and it is hereby Ordained and Enacted by the authority aforeſaid, That this preſent Act of Aſſembly be and remain in force.

*The Collectors Sallary.*

CXXIX. *Every*

## CXXIX.

## *Every Inhabitant in* Northumberland *and* VVestmorland *Counties to give an Account how many Hogsheads of* Tobacco *they made, and to whom sold.*

WHereas the Imposition of Two Shillings *per* Hogshead cannot conveniently be levied upon Masters of Ships that come into *Potomack* River, by reason of their Anchoring in the Dominions of the Lord *Baltemore*, whence they send their Sloops and Boats to fetch the *Tobacco* made in this Country without paying the said Imposition. Be it therefore Enacted, That every Planter in the Counties of *Northumberland* and *Westmorland*, shall certify into the Collectors Office, or unto his Deputy, the number of Hogsheads of *Tobacco* made by him and his Family, and to whom they are sold, and shall not suffer any of the said Hogsheads of *Tobacco* to be carried out of his House until he receive Certificate from the said Collector, that the Imposition of the said *Tobacco* is paid: And if any Planter shall contrary to this Act, suffer any of his *Tobacco* to be carried on board any Ship, Boat, or Sloop,; without such Certificate, then the said Planter to be Fined 20 *s.* for every Hogshead so carried away without Certificate as aforesaid.

Whereas the like inconveniences are incident to *Northampton* County and lower *Norfolk*, in recovering the Impositions of Two, and Ten Shillings *per* Hogshead; as to the River of *Potomack*, by reason of the transportation of much of the *Tobacco* made in those places in Sloops to *Mary-Land*: Be it Enacted, That the Provisional Act made the last Assembly for Payment of those Duties in *Potomack* River, extend and be in force in the said Counties of *Lower Norfolk* and *Northampton*, and that the Collectors appoint certain Persons to take accompt of the Planters according to the tenor of this Act.

CXXX. *Pay-*

## CXXX.

## *Payment of* Fort-Duties *in* Accomack, &c.

VVHereas there is an Act of the last Assembly providing for the securing of the payment of the 2 *s. per* Hdd. due to the Countrey, but no Provision made therein for the securing the payment of Fort Duties of *Potomack*, *Accomack*, and *Lyn Haven*, from whence they fetch their *Tobacco* in Sloops: Be it Enacted, That the said Act shall extend as well to cause the Planters loading it, to reserve and make payment of Three Pence *per* Hogshead for Fort Duties of the said *Tobacco*, as for the payment of the 2 *s. per* Hogshead.

*Three pence per Hogshead payable for Fort Duties in* Accomack, *&c.*

## CXXXI.

## *Ten Shillings* per Hogshead,

WHereas the prudence of all Nations hath provided for the defraying the publick necessary Charges of the Countrey, rather by laying an Imposition upon the Adventurers for the Staple Commodities of the Countrey, by the exportation of which the greatest advantage accrues, then by taxing the persons of the Inhabitants; this present Grand Assembly endeavouring as much as in them lies, to ease the burthen of the People; and taking into Consideration the great benefit that accrues to other Countreys, by the Customs arising from our Commodity *Tobacco*; and that *Virginia*, whose particular Staple it is, hath from it, nor from the Adventurers hither, no publick advantage; We have thought it necessary and convenient, and accordingly have Enacted and Confirmed, That all Merchants, Masters of Ships and Mariners, trading to *Virginia*, and not bound by Charter-party to return and discharge in any of the *English* Dominions in *Europe*, shall pay for every Hogs-

head of *Tobacco*, they ſhall load aboard any Ship, Barque, or other Veſſel, arriving here after the Firſt of *Auguſt* next, and not bound as aforeſaid, Ten Shillings *Sterling* either in Money or good Bills of Exchange, with good Caution or in good valuable Commodities, at 25 *per Cent.* Advance: Provided always. That all Adventurers Inhabitants of this Countrey, trading in Bottoms belonging to *Virginia*-Owners, ſhall be free from the ſaid Impoſition; it tending to the advancement of Trade here, and the incouragement of the Inhabitants to purchaſe Veſſels, and of Mariners to make this their place of Reſidence.

*Inhabitants of this Countrey trading on Bottoms belonging to* Virginia-*Owners, freed from payment of the* 10 s. per *Hogſhead.*

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## CXXXII.

# Caſtle-Duties *to be Paid.*

WHereas the Caſtle-Duties granted by his Majeſty to Collonel *Francis Morriſon*, Captain of the *Fort* at *Point-Comfort*, are rendred of no value, by the Charge of Boat and hands going to Collect them; and the inconſiderableneſs of the Commodities they are paid in, being commonly the refuſe of their *Cargo*: Be it therefore Enacted, That all Maſters of Ships and other Veſſels, being thereunto required by the Officer appointed by the ſaid Collonel *Morriſon*, ſhall give in a true Burthen of the Ships or Veſſels, and the Liſt of their Paſſengers, at ſuch convenient places, and to ſuch perſons, as the ſaid Collonel *Morriſon* ſhall in each River appoint, upon Oath to be adminiſtred by his ſaid Collector or Officer, if a Commiſſioner, or elſe by any one or two Commiſſioners; and if any Maſter ſhall make falſe Entry either of his Burthen or Liſt of Paſſengers, then he ſhall upon proof thereof made, pay Treble Duties for the number of Paſſengers or quantity of Tuns concealed; the ſame to be recovered out of the Eſtate of the Maſter ſo offending; and the like Penalty upon all ſuch Maſters, as ſhall without coming into Harbour, fetch away their loading in Sloops or Boats: And what Maſter ſoever ſhall not pay his Duties in kind, being half a pound of Powder, and three pound of Leaden-Shot *per* Tun, and Six pence *per* Poll for every perſon imported, not being a Mariner, that then he ſhall pay in lieu thereof One Shilling *per* Tun, and Six pence *per* Poll, either in Money

*Maſters of Ships ſhall give an Account of the Burthen of their Veſſels; and a Liſt of their Paſſengers, to the Collector of Caſtle-Duties.*

*Half a pound of Powder, 3 l. of Leaden Shot, and 6 d. per Poll, payable for Caſtle Duties.*

Money or Goods, as they cost at the first Penny; and that the Collectors thereof transmit the said Entries of Ships and Passengers, under the hand of the said Masters, to the said Collonel *Morrison*, to be by him recorded in his *Fort-Book*, as formerly hath been accustomed.

## CXXXIII.

## Ships *to come up to* James City.

VV Hereas the Kings Majesties frequent Instructions, hath Commanded that all Masters of Ships arriving in this Countrey, should before they break Bulk bring up their Ships to *James City*, which by reason of the seating of the Inhabitants in divers Rivers, cannot without much prejudice to the said Masters extend to all parts of the Countrey; yet that his Majesties Commands may as much as in us lieth be effectually obeyed; We the Governour, Council, and Burgesses of this Grand Assembly, have thought fit to Enact, and be it Enacted by the Authority aforesaid, That all Ships whatsoever arriving in *James* River, do accordingly with the first Fair Wind and Weather after their arrival, bring up their Ships to *James City*, and there make Entry of their Ships, take out Licence to Trade, and perform such other things as they shall be there certified the Laws of the Countrey do enjoyn them.

*Ships arriving in* James *River, shall be brought up to* James *City.*

## CXXXIV.

## *Priviledge of* Virginia-*Owners.*

VV Hereas some doubts have arisen about the priviledge of *Virginia*-Owners and their exemption from the payment of the Duties of Two, and Ten Shillings *per* Hogshead: Be it Enacted and Declared, That the said Priviledge is granted only to the Owners and Adventurers in such Vessels as solely and

wholly

*Such Vessels only as solely and wholly belong to the Inhabitants of this Collony freed from payment of the 2 s. and 10 s. per Hogshead.*

wholly belong to the Inhabitants of this Countrey, and not to such persons as are only Partners of Vessels, whose other Partners dwell in other Countreys, and the Governour be Judge of such Proprieties and certifie the same to the Collectors.

## CXXXV.

## *A Publick* Notary *appointed.*

WHereas for want of a Publick Notary, the Certificates and other Instruments to be sent out of this Countrey, have not that Credit given them in Foreign parts as duly they ought: Be it therefore Enacted, That *Henry Randolph* Clerk of the Assembly, be authorized and sworn a Publick Notary for this Countrey, to whose attestation at home and abroad We desire all Credence may be given.

## CXXXVI.

## *Acts concerning the* Indians.

WHereas the mutual Discontents, Complaints, Jealousies and Fears, of *English* and *Indians*, proceed chiefly from the violent Intrusions of divers *English* made into their Lands, forcing the *Indians*, by way of Revenge, to kill the Cattle and Hogs of the *English*; and by that means Injuries being done on both sides, Reports and Rumours are spread of the hostile Inventions of each to others, tending infinitely to the disturbance of the Peace of his Majesties Countrey; and whereas the Laws prohibiting the purchase of any *Indians* Lands, (unless acknowledged at *General Courts* or Assemblies, by reason it is as easie to fright them to a publick as well as a private acknowledgment) are made fruitless and ineffectual,

ctual, corrupt Interpreters often adding to this Mischief, by rendring them willing to surrender, when indeed they intended to have received a confirmation of their own Rights, and a redress of their Wrongs; which Mischiefs had they continued, must needs have involved the Countrey into an inevitable and destructive War: For Remedy of which Inconveniences, and that for the future a sure equitable Peace may be established, the Governour, Council, and Burgesses, out of their tender care of Justice, and the Peace of this his Majesties Countrey; have Enacted, Ordained and Confirmed, and do by these presents Enact, Ordain, and Confirm, That for the future, No *Indian* King or other, shall upon any pretence alien or sell, nor no *English* for any Cause or Consideration whatsoever, purchase or buy, any Tract or parcel of Land now justly claimed, or actually possessed by any *Indian* or *Indians* whatsoever; all such Bargains and Sales hereafter made or pretended to be made, being hereby declared to be invalid, void, and null, any Acknowledgment, Surrender Law, or Custom, formerly used to the contrary notwithstanding: And further, That the *Indians* properties in their goods, be hereby assured and confirmed to them, and their persons so secured, that whoever shall defraud or take from them their Goods, or do hurt or injury to their persons, shall make such Satisfaction, and suffer such Punishments as the Laws of *England*, or this Countrey do inflict, if the same had been done to an *English-man*.

No Purchase *shall be made by the* English, *of any Lands now justly claimed or actually possessed by the* Indians.

No *Injuries shall be done to the* Indians.

And be it further Enacted, That what *English-man* hath already, contrary to the Laws formerly in force, for surrendring and acknowledging *Indians Lands*, made incroachments or seated upon them, shall if they make not good proof of their Title, upon Complaint made, be by Order directed to the Sheriff to execute, removed from their Seats of Land thus wrongfully incroached; and all Houses by them, built upon the said Lands be demolished and burned.

And be it further Enacted, That all *English Men* having by Surrenders made at Quarrter-Courts or Assemblies, procured a colourable right to any Land, by the said *English* now seated within Three Miles of any *Indians*, for prevention of the injuries done to the *Indians* by the said *English Mens* Hogs and Cattle, shall send such number of hands as they

*Such of the* English *as are seated near the* Indians, *shall assist them in makeing a* Fence.

they shall be appointed by Commissioners to be authorized by the Governor, to help the *Indians* to fence in a Corn Field, proportionable to the number of Persons the said *Indian* Town doth consist of; and that after such Fence once made sufficiently, according to the Act of the Assembly, if the *Indians* keep it not in repair, what damages soever they shall afterwards sustain, shall be at the hazard and sole loss of them the said *Indians*.

And be it further Enacted, That for the better relief of the poor *Indians*, whom the seating of the *English* hath forced from their wonted conveniences of Oystering, Fishing, and Gathering Tuchahoe Cortenions, and other wild Fruits, by which they were wonted for a great part of the year to subsist: Be it therefore Enacted, Granted, and Confirmed, That the said *Indians*, upon address made to Two of the Justices of that County, they desiring to Oyster, or Gather Wild Fruits in as aforesaid; they the said Justices shall grant a Licence to the said *Indians* to Oyster or gather Wild Fruits, as aforesaid: Provided the said Justices limit the time the *Indians* are to stay; and the *Indians* bring not with them any Guns or Ammunitions, or other offensive Weapons, but only such Tooles or Implements as serve for the end of their coming: And if any *English Man* shall presume to take from the *Indians* so coming in, any of their Goods, or shall Kill, Wound, or Maim any *Indian*, he shall suffer as if he had done the same to an *English Man*, and be Fined for his contempt.

*Poor Indians may be licenced to Fish for* Oysters, *and gather* Wild Fruits. *Provided they come not Armed.*

And because many under-hand and unlicensed Traders do truck and trade with the Indians (contrary to the Act of Assembly, and to the great prejudice of all such as legally procure Commissions from the Governour) under pretence that the things trucked for be given them by the Indians: Be it therefore Enacted, That what persons soever, shall upon any pretence whatsoever, buy, take, or receive, any thing or commodity, from an Indian, shall upon proof thereof at any Court, be ordered to pay treble the value of the thing received, to the person injured thereby.

*No person whatever shall buy or receive any* Commodity *of the* Indians, *without licence.*

And because sometimes differences may arise between the Indians and those they trade with, which if we should proceed by way of Arrest, might tend much to the disturbance of the peace of the Countrey: Be it therefore Enacted, That any Commissionated Trader having a Difference with any Indian King or other, shall repair to the Governour for him or such

*Differences arising in Trade with the* Indians, *shall be referred to the Governour.*

ſuch other as he ſhall appoint, to determine the matter in controverſie between them.

And becauſe the impriſonment of an Indian may bring a War upon the Countrey, and conſequently the making of Peace and War being wreſted out of thoſe hands it is by his Majeſties Commiſſion intruſted, into the power of every Individual in the Countrey: Be it therefore Enacted, That no perſon of what quality ſoever, preſume to impriſon any Indian King, without a ſpecial Warrant from the Governour and two of the Council, as they will anſwer the contrary at their uttermoſt peril.

*No perſon ſhall Impriſon any* Indian *King without Warrant from the Governour and two of the Council.*

And becauſe this Act cannot be put in Execution without Commiſſioners to view the preſent Bounds of the Engliſh and Indians: Be it therefore Enacted, That the Honourable Governour be deſired and authorized to appoint unintereſſed perſons Commiſſioners, to go with parties of Horſe to the ſeveral Indian Towns, and there to proclaim theſe and the following Articles of Peace between us and the Indians, to ſettle the Bounds between us, and to appoint others of the moſt integrity, to fix the time and aſſiſt the Work, to help the Indians fence, and all other things by this Act enjoyned. And for prevention of future intrenchments beyond the Bounds once fixed, Be it further Enacted, That the Governour be deſired and authorized to commiſſionate certain Perſons annually to viſit the ſame, and to take care that no intrenchment be henceforth made upon the *Indians*.

*Bounds betwixt the* Engliſh *and the* Indians, *ſhall be fixt. And Commiſſioners thereto appointed, ſhall view the ſame annually.*

And becauſe an interval between the *Indians*, cannot in the preſent nearneſs of ſeating, be ſo laid out as may wholly ſecure the *Engliſh* from the *Indians* coming in and pilfering things from them, if a free entercourſe be admitted: Be it therefore Enacted, for the prevention thereof, and to the end that the Nations may be diſtinguiſhed, and ſo if they are taken in the manner of doing any injuries, the ſufferers know to what Kings to addreſs themſelves for remedy, That Badges (*viz.* Silver Plates and Copper Plates, with the Name of the Town graven upon them,) be given to all adjacent Kings within our protection; and that all the ſaid Kings give it in charge to their People, that none of them preſume upon what occaſion ſoever, to come within the *Engliſh* Bounds without thoſe Badges upon them, or one with a Badge in their

Indians *ſhall not come within the bounds of the* Engliſh, *without Badges.*

their company; and if any damage or injury be done to any *English Man* by them or any of them, that then the King or Great Man of the Place the Badges denote, shall be answerable for it; and if any shall, notwithstanding this Injunction, be found in our Bounds without any such Badge, or not accompanied with one that shall have them, that then it shall be lawful for any *English Man* to carry him or them before any Justice of the Peace, who shall keep him or them in safe custody, until their King or Great Man ransom them, by paying One hundred Arms length of *Roranoake* for each *Indian* so taken, to be disposed of by the Publick: Provided always, That if any *English Man* shall be found or proved to have taken away any of their Badges, thereby to make the *Indians* guilty of breaking this Law, That then the person so offending shall be set in the Pillory two hours on the Court-day, in the County where they have committed the Offence, with their Fault in great Letters written upon them, and to be fined Five thousand Pounds of *Tobacco* to the use of the Publick; and in case of disability, lie Six Months in Prison, without Bail or Main-prize: And be it further Enacted That all *Indian* Kings Tributary to the *English*, when they have the least notice of any March by any strange *Indians*, near our Quarters, shall repair themselves, or at least send some one of their Great Men, to the next of the *Militia*, which shall be nominated and appointed by the Governour for that purpose, and acquaint him with as much as they know concerning the Nation, the Numbers, and which Way they conceive they will bend their Course; and if they then shall desire any aid from us to secure them, that a Party be sent presently out by the Collonel of the *Militia* to that purpose; which by this our assistance and reciprocal care, will make them and us have an equal interest in each others preservation; while on the other side we being ignorant of the Marches of Forreigners, impute all damages we then receive which is then commonly most to our Neighbours, how innocent soever.

Indian *Kings who are tributary to the* English, *shall acquaint them of any Invasion they know of, intended by any strange* Indians *upon this Collony.*

And it is further Enacted, That if any *Indian*, by the inveigling of any *English*, or of his own will, shall without leave of the King or great Man of the Place, come within the bounds limitted them, and there procure harbour or entertainment, it shall be lawful for any *English Man* to take the said *Indian* and to convey him to his Town to be punished, and to recover of the *English Man* that harboured or

*Penalty of harbouring Run-away* Indians.

or entertained him, ſo much *per* day as by the Law for entertaining other run-aways is recoverable.

And be it further Enacted, That what *Engliſh Man*, Trader, or other, ſhall bring in any *Indians* as Servants, and ſhall aſſign them over to any other, ſhall not ſell them for Slaves, nor for any other time than *Engliſh* of the like ages ſhould ſerve by Act of Aſſembly.

And becauſe heretofore many entertained *Indians* by Licences of particular Perſons, who did much damage to their Neighbours: Be it henceforth Enacted, That no Perſon of what Quality ſoever, ſhall entertain any of our Neighbouring *Indians* as ſervants or otherwiſe, unleſs by a Licence obtained from the Governour himſelf upon their Obligation that deſire it, to be anſwerable for all the injuries and damages that the *Indians* by them entertained, ſhall do to any *Engliſh*.

*No perſon ſhall entertain any of the Neighbouring* Indians *for Servants without Licence from the Governour.*

## CXXXVII.

## Clerks Fees *to be paid.*

WHereas by a former Act of Aſſembly, *Clerks* of *Courts* were made uncapable of recovering their *Fees* after they had been Two Years due: Be it Enacted, That the ſaid Act be repealed, and that all their Accounts ſhall be Three years pleadable, and that hereafter all *Sheriffs* or *Collectors* ſhall either receive, diſtrain for, or ſecure by Bill, all *Secretary* or *Clerk* of *Courts Accounts* delivered them, and be allowed Ten *per Cent.* for what is received, and Five *per Cent.* for what Bills are taken; and the *Sheriff* or other *Collector* not receiving, or ſecuring as aforeſaid, to be reſponſible for the Account omitted: Provided, That they the ſaid *Sheriff* or *Collector*, ſhall not be liable for the Account of any Perſon removing out of the County before the laying the *Levy*, unleſs they receive the *Levies* or *Sheriffs Fees*, and then to be acccountable for the *Clerks Fees* alſo: Provided alſo, That the *Clerks* deliver or ſend their Accounts atteſted under their Hands, to the ſaid *Sheriff* or *Collectors*, within four days after laying the *Levy* in their ſeveral *Counties*.

*Clerks Fees ſhall be pleadable Three years.*

## *The Secretaries Fees.*

BE it Enacted and Confirmed by this present Grand Assembly, That the Secretaries Fees shall be as followeth: *viz.*

| | l. Tob. |
|---|---|
| Imprimis, *For a* Patent *and recording it,* | 80 |
| *For a* Commission of Administration *and recording it,* | 60 |
| *For a* Probate *and recording it,* | 60 |
| *For a* Commission *to trade,* | 50 |
| *For a* Deposition, | 15 |
| *For a* Bond *and recording it,* | 40 |
| *For a* Copy of a Patent, | 30 |
| *For recording a* Letter of Attorney, | 30 |
| *For recording a* Will, | 30 |
| *For a common* Warrant, | 15 |
| *For an* Order, | 15 |
| *For a* Copy *of an* Order, | 15 |
| *For recording a* Bill *or* Receipt, | 10 |
| *For an* Execution, | 30 |
| *For a* Pass, | 30 |
| *For a* Subpœna, | 15 |
| *For a* Petition *if writ,* | 15 |
| *For a* Certificate *for* Lands, | 15 |
| *For a* Copy *of an* Act *of* Assembly, | 15 |
| *For recording a* Bill *of* Sale *or such like,* | 30 |
| *For a* Commission *for the* Militia *or* Court, | 50 |

## *County-Court-Clerks-Fees.*

BE it also further Enacted, That the County-Court-Clerks-Fees be as followeth: *viz.*

| | l. Tob. |
|---|---|
| Imprimis, *For an* Action, | 8 |
| *For entring an* Order, | 8 |
| *For the* Copy *of an* Order, | 8 |
| *For an* Execution, | 15 |
| *For an* Attachment, | 15 |

*For*

| | |
|---|---|
| *For a* Deposition, | 10 |
| *For a* Copy *of a* Deposition, | 10 |
| *For* Administrations *and* Probates, *both at* | 60 |
| *For a* Subpœna, | 10 |
| *For a* Petition *if they write it*, | 10 |
| *For Entry of a* Petition, | 3 |
| *For a* Certificate *for* Land, | 20 |
| *For any other* Certificate, | 10 |
| *For recording of any Business* (Orphans *excepted.*) | 20 |
| *For recording* Inventories *and* Conveyances, | 30 |
| *For a* Scire Facias *in any* Court, | 10 |

And if any thing else be done by them then what is here expressed, the Commissioners to adjudge the Fee.

## *The Sheriffs Fees.*

BE it also Enacted, That the Sheriffs Fees shall be as followeth: *viz.*

| | l. Tob. |
|---|---|
| Imprimis, *For an* Arrest, | 10 |
| *For* Bond, | 15 |
| *For going into* Prison, | 10 |
| *For* Whipping, | 20 |
| *For* Pillory, | 20 |
| *For serving a* Subpœna, | 10 |
| *For serving an* Execution *if under* 100 l. *of* Tobacco, | 10 |
| *If above* 100 *to* 500, | 20 |
| *If above* 500 *to a Thousand*, | 40 |
| *If unto Two Thousand*, | 60 |

*If above Two Thousand*, *Ten Pounds* per *Thousand.*

For *Summoning and Impannelling a* Jury *for every* Cause *Twelve Pounds of* Tobacco, *and for every person Summoned* Five *Pounds of* Tobacco. Attatchments *as for* Arrests. And if further trouble; to be allowed by the Court.

And whereas some of the Sheriffs Fees upon Execution have heretofore seemed to have been Arbitrary, this Assembly have thought fit to ascertain them, and to Enact, That he shall have for Summoning every *Appraizer* Ten Pounds

Pounds of *Tobacco*, and the *Appraizer* to have Thirty Pounds of *Tobacco per* Cause if they finish it in one day, and 30 *per* day if thay are longer about it.

## *The Clerk of the Assemblies Fees.*

BE it Enacted by this present Grand Assembly, That the Clerk of the Assemblies Fees shall be as followeth: *viz.*

| | l. Tob. |
|---|---|
| *Imprimis*, For Entry of a Cause by Return, Plea, or Petition, | 20 |
| For an Order and Copy of an Order, | 20 |
| For Denization, | 50 |
| For Naturalizing, | 50 |
| For County Courts Commissions, | 50 |
| For Militia Commissions if granted by Assembly, | 50 |
| For Copying the Acts of every Assembly, | 300 |
| For the whole Body of the Acts Writing, | 300 |
| For Attesting Act of Assembly copying Answer and Replies. | |

## CXXXVIII.

## *Interpreters made of the Countrey.*

WHereas Coll. *John Flood* hath long and faithfully served this Countrey in the Office of an Interpreter, and being now deceased: It is Enacted, That *Thomas Flood*, Son of the said Coll. *John Flood*, shall be received into the place of his Father, and that *Henry Newcombe* be likewise made Interpreter for the *Norwood*.

AT

# At a Grand Assembly held at *JAMES CITY* the 23[d] of *December* 1662, and in the Fourteenth Year of our Sovereign Lord King *CHARLES* II.

I.

## *An Act concerning* Sheriffs, *making false Returns.*

WHereas the Sheriffs of the several respective Counties, do often contrary to act of Assembly, accept of the promise of the Party Arrested, instead of taking Bail, which by Act he is injoyned to do, and yet to save himself Harmless, doth make false Returns, *viz.* That the Writ could not be Executed, whereby the Creditor is delayed in the Suit, or *Non est inventus*, whereby Attachment Issues to the damage of the Defendant: Be it therefore Enacted by this present Grand Assembly and the Authority thereof, That every Sheriff that shall be proved to have executed the Writ, and yet make such false Return, shall be fined Three thousand pounds of Tobacco, one half to the Publick and the other half to the Party damaged or delayed, as aforesaid. *The Penalty of Sheriffs making false Returns.*

## II.

## An Act concerning Servants, Owners of Goods.

WHereas many Servants imported into this Countrey, being ignorant of the Customs here, do sometimes bring in with them a small Parcel of Goods, or have them sent afterwards by their Friends, which usually either the party that Imports them, or he to whom they are Assigned, as Servants converted to their own use: Be it therefore Enacted by this present Grand Assembly and the Authority thereof, That all Servants bringing Goods in with them, not being their Own wearing Apparrel, or having them Consigned to them during the time of their Service, shall have the propriety in their own Goods, and by permission of their Masters dispose of the same for their own future advantage.

*Servants Goods are to be disposed of for their own use.*

## III.

## An Act against Persons that refuse to have their Children Baptized.

WHereas many Scismatical Persons, either out of averseness to the Orthodox Established Religion, or out of the new-fangled conceits of their own Heretical inventions, refuse to have their *Children Baptized*: Be it therefore Enacted by this present Grand Assembly and the Authority thereof, That all and every person and persons, that in contempt of the Divine Sacrament of *Baptism*, shall refuse, when he or they may carry their Children to a Lawful Minister in that County, where he or they dwell, to have them *Baptized*, shall be amerced Two thousand pounds of Tobacco, half to the Parish, half to the Informer.

*The Penalty of refusing to have* Children Baptized.

IV. *An*

## IV.

### *An Act declaring how* Judgment *shall be passed upon a* Non est Inventus *Returned.*

WHereas by the present Law when a *Non est Inventus* is Returned, Attachment is granted Returnable the next Court, and Judgment upon the Attachment the Court following; yet if the Arrest be upon an Action of the Case, upon Account prescribes no way of making proof of the Debt, the Act for Accounts referring them to the Oath of the Debtor: Be it therefore Enacted by the Authority aforesaid, That henceforth in all such Cases the Creditors Oath shall be taken to his Account, and Judgment pass for the same he deposeth to be due to him; and in like manner where Bail is taken, and the Defendant appears not upon proof made by the Oath of the Creditor, as aforesaid, Judgment shall pass against the Bail for the Debt.

*Proceedings in case of a* Non est Inventus.

## V.

### *An Act for* Punishment *of* Scandalous Persons.

WHereas many Babling Women slander and scandalize their Neighbours, for which their poor Husbands are often involved in chargeable and vexatious Suits, and cast in great Damages: Be it therefore Enacted by the Authority aforesaid, That in Actions of Slander, occasioned by the Wife, after Judgment passed for the Damages, the Woman shall be punished by Ducking; and if the Slander be so enormous as to be adjudged at greater Damages then Five hundred pounds of Tobacco, then the Woman to suffer a Ducking for each Five hundred pounds of

*Babling and Slanderous Women, to be punished by Ducking.*

of Tobacco adjudged against the Husband, if he refuse to pay the Tobacco.

## VI.

## *An Act concerning* VVomen-Servants, *got with* Child *by their* Masters.

VVHereas by an Act of Assembly made the 23 of *March* 1661, every Woman-Servant having a Bastard, is (to repair the trouble and charges sustained by the Master) to serve two years after her time by Indenture is expired, and late experience shewing that some dissolute Masters having themselves gotten their Women-Servants with Child, yet have shamelesly claimed the benefit of their Service; and on the other side, if a Woman got with Child by her Master, should be freed from that Service, it might probably induce such loose persons to lay all their Bastards to their Masters: It is therefore thought fit and acccordingly Enacted, That from henceforward each Woman-Servant got with Child by her Master, shall after her time by Indenture or Custom is expired, be by the Church-Wardens of the Parish where she lived, when she was brought to Bed of such Bastard, sold for two years, and the Tobacco be imployed by the *Vestry* for the use of the Parish.

*Women-Servants gotten with Child by their Masters, how to be dealt withal.*

## VII.

## *An Act compelling* VVitnesses Subpœnaed, *to deliver their Evidence upon* Oath.

VVHereas the Law of the Countrey already made, prescribes no way of compelling Witnesses to give in their Evidence upon Oath: Be it therefore Enacted, That henceforth all Witnesses Subpœnaed to give Evidence in any cause, if they refuse

*Refusal of giving Evidence punishable by Imprisonment.*

refuſe to declare it upon Oath, ſhall be committed to Priſon, and there remain until they declare their Evidence upon Oath.

## VIII.

## *An* Act *concerning Servants being the reputed* Father *of* Baſtard-Children.

VVHereas by the preſent Law of this Countrey, the puniſhment of a reputed Father of a Baſtard-Child, is the keeping of the Child, and ſaving the Pariſh harmleſs; and if it ſhould happen the reputed Father to be a Servant, who can no ways accompliſh the penalty of that act: Be it therefore Enacted by the Authority aforeſaid, That where any Baſtard-Child is gotten by a Servant, the Pariſh ſhall take care to keep the Child, during the time the reputed Father hath to ſerve by Indenture or Cuſtom, and that after the ſaid reputed Father is Free, he ſhall make Satisfaction to the Pariſh.

*Reputed Fathers of Baſtard-Children, if Servants, how to be dealt withal.*

## IX.

## *An* Act *enjoyning the recording all* Conveyances *made in* England *in the* Secretaries Office.

VVHereas daily Experience ſheweth that many Perſons, Inhabitants of this Countrey, do privily make over their Eſtates to others in *England*, and by that means defraud all their Creditors in this Countrey of their juſt Debts: Be it therefore En-

acted, That all Conveyances of any Estates in this Countrey made over to any person in *England*, or Authentique Copies, shall be sent over to this Countrey the next Shipping after they are made, and be here manifested in the *General Court*, and recorded in the Secretaries Office, or else to be held for fraudulent and of no force, to the barring the Claim of any Creditor in this Countrey.

*All Conveyances shall be recorded in in the Secretaries Office.*

## X.

## *An* Act *for Defendants in Appeals, to give in* Security *to answer the Appeal.*

WHereas by the Laws of this Countrey, all Appelants from any Court are bound to Prosecute their Appeals, but the Defendant left at liberty without Security for his Appearance: Be it therefore Enacted, That henceforth all Defendants in Appeals shall give Bail for their Appearance, as in case of Arrests, and the Sheriff and Bail to be responsible for Non-appearance, as in case of Arrests.

*All Defendants in Appeals shall give Bail for their Appearance.*

## XI.

## *An* Act *concerning Servants, brought in under Sixteen years of age.*

WHereas by act of Assembly, the several Courts are appointed Judges of the age of Servants, coming in without Indentures, but no time limited after their arrival for the bringing of them to those Courts: Be it therefore Enacted, That every Master buying or bringing in a Servant without Indentures, shall be, and hereby is enjoyned to carry him to the Court, within four

*Servants brought in without Indentures, what to be done in that Case.*

four Months after he hath bought him, when the best Judgment may be given of his Age, or else the Servant shall not serve any longer than those of Sixteen years are to serve by the Custom of the Countrey.

XII.

## *An* Act *for* Mulatto Children, *being bound or free according to* Condition *of the* Mother.

WHereas some doubts have arisen, whether Children got by an *English Man* upon a *Negro Woman*, should be Slaves or Free: Be it therefore Enacted and Declared by this present Grand Assembly, That all Children born in this Countrey, shall be held Bond or Free according to the condition of the Mother, and that if any Christian shall commit Fornication with a *Negro Man* or *Woman*; he or she so offending, shall pay double the Fines imposed on Fornication by the former Act.

*Fornication with a* Negro-Man *or* Woman *punishable.*

XIII.

## *An* Act *declaring* VVomen-Servants *Tythable.*

WHereas divers persons purchase *Women-Servants* to work in the Ground, that thereby they may avoid the payment of Levies: Be it therefore Enacted, That all Women-Servants, whose common Imployment is working in the Ground, shall be reputed Tythable, and Levies paid for them accordingly, and that every Master of a Family not giving an accompt of such in his List of Tythables, shall be fined as for other Concealments.

*Woman-Servants working in the Ground Tythable.*

XIV. An

## XIV.

### *An* Act *aſcertaining* Damages *upon* Bills *proteſted.* Vide Act 18*th* *Anno* 1666.

## XV.

### *An Act impowering* Counties *or* Pariſhes *to make* By-Laws.

*By-Laws to be obeyed by the Inhabitants of the ſaid Counties.*

WHereas ſome particular Inconveniences may happen in a reſpective County or Pariſh, which cannot well be concluded or remedied by a General Law: It is therefore Enacted, That the reſpective Counties, and the ſeveral Pariſhes in thoſe Counties, ſhall have, and hereby are impowered to have liberty to make By-Laws for themſelves; which Laws ſo conſtituted and approved by the Major part of the ſaid Counties or Pariſhes, ſhall be binding upon them as fully as any General Act.

## XV.

### *An* Act *for building a Town.* Vide *Act* 5th 1680.

## XVI.

### *An* Act *for the Impoſition of* 2 *s.* per *Hogshead.*

WHereas the Kings moſt Excellent Majeſty hath been graciouſly pleaſed by his Inſtructions to the Right Honourable *Sir William Berkley*, bearing date the 12*th* day of *September*

*September* 1662, to confirm the Imposition of Two Shillings, imposed by a former Act of Assembly upon every Hogshead of Tobacco exported out of this Collony, with the Limitations offered to his Majesty by his Majesties Council of Trade for the Plantations. Be it therefore Enacted by this present Grand Assembly, That the Limitations of the said Order of his Majesties Council for Plantations, be strictly observed; And that no Merchant, Master, Mariner, or any person or persons, that shall receive and Ship on board any Ship, Vessel, Barque, Sloop or Boat, any Tobacco, before the said Imposition of Two Shillings *per* Hogshead be duly paid in Moneys, or in the value thereof, in Goods or Merchandizes, unto the Collector or Collectors appointed by the Right Honourable the Governour, and due Certificate or Cocquet from him or them received. And in Case any Master shall receive any Tobaccoes on board, without such Cocquets or Certificates first had from the said Collector or Collectors; all such goods to be Confiscated to the use of the Publick.

*Two Shillings to be paid for every Hogshead of* Tobacco *Exported. Upon default to be confiscated.*

## XVII.

## *An Act concerning* Castle Duties.

WHereas the Act of Assembly enjoyning each Master of a Family to provide a certain quantity of Powder and Shot, for each Tythable in his Family, is rendred altogether ineffectual, unless a Means be prescribed how such Powder should be procured: Be it Enacted and Ordained by this present Grand Assembly, That for the better Supply of the Countrey, All Masters of Ships and Vessels may pay their Fort Duties in kind, *viz.* Half a Pound of Merchantable Musquet Powder and Three Pound of Leaden Shot for each Tun their Ship or Vessel is of Burthen, to the Captain of the Fort. And that the said Captain of the Fort shall be paid for what the said Powder and Shot shall amount to out of the Impost of 2 *s. per* Hogshead in Bills of *Exchange*, at the rate he received it from the Masters, *viz.* at One Shilling *per* Pound Powder, and Two Pence *per* Pound Shot: And it is further Enacted, That if

*The Masters of Ships may pay their Fort Duties in Musquet Powder and Shot.*

any of the Masters of Ships or other Vessels, shall not pay their respective Fort Duties of Half a Pound of Powder and Three Pound of Shot, and Six Pence *per* Poll, all of them in their very kinds, that then the said Masters shall pay the same to the said Captain of the Fort, or in his Absence to his Attorney or Attorneys in Money or good Bills of *Exchange*; any other Act to the contrary notwithstanding.

## XVIII.

## *An Act Imposing a Tax upon* Horses, *Repealed by the Second Act of Assembly,* Anno 1665.

## XIX.

## *An Act for Incouragement to Build* Vessels, *Repealed by Act* 15. 1666.

## XX.

## *An Act for* Handy-craft-men *to pay* Levies.

*Handy-crafts-men shall pay* Levies.

WHereas the necessity of the Countrey requires the laying upon it extraordinary Taxes at present: Be it therefore Enacted, That the former Act exempting Trades-men and Handy-crafts-men from paying Levies be suspended for Five years, and they to pay as formerly.

XXI.

## XXI.

### An Act concerning Hides.

VVHereas the Act restraining the Exportation of Hides, lays the Penalty only upon the Buyer, and therefore produced not the Effect intended thereby, which was the supply of the Countrey with Leather: Be it therefore Enacted, That whosoever shall sell or otherwise dispose of any Hides contrary to the intent of the former Act, shall be Fined for every Hide so by him sold or otherwise disposed of, to be exported, One Thousand Pounds of *Tobacco.* Provided that Sale may be made of Hides to any person living in the Countrey, the Clause in a former Act prohibiting the same to be sold in the Country to the contrary notwithstanding.

*Such as sell Hides for Exportation fined 1000 l. of Tobacco for every Hide so sold.*

# At a Grand Assembly held at *JAMES CITY September 10th* 1663, and in the Fifteenth Year of our Sovereign Lord King *CHARLES* II.

## I.

### *An Act prohibiting the unlawful Assembling of* Quakers.

WHereas it is evident of late times, that certain persons under the names of Quakers, and other names of separation, have taken up and maintained sundry dangerous Opinions and Tenets: And whereas the said persons under pretence of Religious Worship, do often Assemble themselves in great numbers in several parts of this Countrey, to the great indangering its publick peace and safety, and to the terror of the People, by

by maintaining a secret and strict Correspondency amongst themselves, and in the mean time separating themselves from the rest of his Majesties good and loyal Subjects, and from the Publick Congregations and places of Divine Worship and Service; for redressing whereof, and better preventing the many Mischiefs and Dangers that may and do arise by such dangerous Tenets and unlawful Assemblies: Be it Enacted, by this present Grand Assembly and the Authority thereof, That if any person or persons commonly called Quakers, or any other Separatist whatsoever in this Collony, shall at any time after the Publishing this Act in the several respective Counties, depart from the place of their several Habitations, and Assemble themselves to the number of Five or more, of the age of Sixteen years or upwards, at any one time, in any one place, under a pretence of joyning in a Religious Worship, not Authorized of *England* nor of this *Countrey*; That then in all and every such Case and Cases, the Party so Offending, being thereof Lawfully Convicted by the Verdict of Twelve Men, or by his own Confession, or by notorious Evidence of the Fact, shall for the first Offence, each Person forfeit and pay Two hundred pounds of Tobacco; and if any such person or persons being once convicted, shall again Offend therein, and shall in form aforesaid be thereof lawfully Convicted; shall for the Second Offence forfeit and pay Five hundred pounds of Tobacco, to be levied by Distress or Sale of the Goods of the Party so convicted, by Warrant from any one Justice of the Peace, before whom they shall be so convicted, rendring the Overplus to the Owners if any be; and for want of such distress, or for want of Ability of any Person amongst them to pay the said Fine or Fines, then it shall be lawful to levy and recover the same, from the rest of the Separatists or Quakers, or any one of them then present, that are of greater Abilities to pay the said Fine or Fines: And if any person after he or she in form aforesaid, hath been twice convicted of any the said Offences, shall Offend therein the third time, and thereof lawfully convicted, that then every such person so Offending and Convict as aforesaid, shall for his or her third Offence be Banished this Collony of *Virginia* to the place the Governour and Council shall appoint: And be it further Enacted by the Power and Authority aforesaid, That each Master of Ship or Vessel that shall import or bring in any Quakers into this Collony, to reside after the first day of *July* next, un-

Repealed by Stat. A° Primo Willi et Maris, Intituled an Act for Exempting their Maties Protestant Subjects Dissenting from the Church of England from the Penaltys of certain Lawes.

*Quakers, or other Separatists Assembling to the number of five under a pretence of Religious Worship, how to be punished.*

*Such persons being convicted the Third time shall be banished this Collony.*

unless by vertue of an Act of Parliament made in *England*, the Nineteenth day of *May*, in the Fourteenth year of the Reign of our Sovereign Lord the King, shall be fined Five thousand pounds of Tobacco, to be levied by Distress and Sale of the Masters Goods, by Warrant from any Justice of the Peace in the County where any such person or persons shall arrive, the same being proved by sufficient Evidence; and the said Master shall be further enjoyned to carry him or them out of the Countrey again when his Ship returns, and to take especial Care to secure him, her, or them, so brought in as aforesaid, from spreading any seditious Tenets, whilst he, she, or they, remain in the Countrey: And be it further Enacted, That any person or persons Inhabitants of this Countrey, that shall entertain any Quakers in or near their Houses, to teach or preach, shall likewise be fined Five thousand pounds of Tobacco for each time they do so entertain them, to be levied by Distress and Sale of the persons Goods, by Order from the Justices of the Peace in the next County Court held for that County where the Fact was committed, before whom the said Fact shall be by Evidence proved: And be it further Enacted, for prevention of Neglects in the due Execution of this Act, by any Magistrate or Magistrates, Officer or Officers of this Collony, that in case any Justice of the Peace or any other Officer shall neglect the performance of their Duty in prosecuting this Act, or shall directly or indirectly connive at any Breaches thereof, he or they for every such Offence shall be fined Two thousand Pounds of Tobacco, to be levied by Distress and Sale of the Gooods of the person so offending, he or they being thereof lawfully convicted by the Virdict of Twelve men, by his own confession, or evidence of Fact: And be it further Enacted by the Authority aforesaid, That all the Justices the Peace in their several Counties, shall be hereafter impowred to enquire, hear, and determine all and every the Offences aforesaid within the limits of their Commission, and to give Warrant for the levying and distressing the Fines upon the Goods of the persons offending; all which said Fines mentioned in this Act shall be disposed of to the use and uses; purpose and purposes following; *viz*: The Two hundred, and Five hundred Pounds of Tobacco imposed on the Quakers and other Separatists for unlawful Assembling, shall be paid half to the Informer, half to the use of the Parish where the Fact was committed; that the Five thousand Pounds of Tobacco imposed on each Master that shall bring

*Inhabitants that shall entertain Preaching Quakers, to be fined.*

*Justices of Peace within the limits of their Commission to hear & determine Offences of this kind, and to grant their Warrants for levying of Fines.*

*Levies and Fines for unlawful Assemblies, how to be disposed of.*

in any Quaker, ſhall be paid half to the Informer, half to the uſe of the Pariſhes in the County where the perſon or perſons do arrive; that the Five thouſand pounds of Tobacco impoſed upon every Inhabitant that ſhall entertain as aforeſaid in or near his Houſe any Quaker, ſhall be paid half to the Informer, half to the Pariſhes in the County where he lives for Pious uſes; Provided always that the charge of their Apprehending muſt be firſt defrayed: That the Two thouſand Pounds of Tobacco impoſed upon any Magiſtrate or other Officer that ſhall neglect the due Proſecution of this Act, ſhall be paid half to the Informer, half to the Pariſhes in the County where he lives: Provided always, and be it further Enacted, That if any of the ſaid perſons, Quakers or other Separatiſts, ſhall after ſuch Conviction as aforeſaid, give Security, that he, ſhe, or they, for the time to come forbear to meet in any ſuch unlawful Aſſemblies as aforeſaid, that then and from thenceforth ſuch perſon or perſons ſhall be diſcharged from all the Penalties aforeſaid, any thing in this Act to the contrary notwithſtanding: And be it further Enacted, That all Officers of this Countrey be hereby ſtrictly enjoyned to take notice of this Act, and to ſee the ſame put in due Execution.

## II.

## *An Act concerning the Bounds of this* Colony *on the* Eaſtern-Shore.

HIS Majeſties Intereſt on the Eaſtern Shore of *Virginia*, together with ſome Concernments of the Lord *Baltamores*, coming into Conſideration of the Right Honourable Governour, and Council, and Burgeſſes of this Grand Aſſembly, they pretermitting for the preſent ſome other of His Majeſties Concerns of Land until a fitter opportunity do think fit for the preſent to Enact, And be it further Enacted by the ſaid Right Honourable the Governour, Council, and Burgeſſes of this Grand Aſſembly, and the Authority thereof, That Publication be made ſo ſoon as poſſible by Coll. *Edmund Scarbrough* his Majeſties Surveyor General of *Virginia*; Commanding in His Majeſties Name all the Inhabitants of the Eaſtern Shore of *Virginia* from *Watkins* Point Southward to render Obedience to his Majeſties Government of *Virginia*, and make payment of

his

his Majesties Rents and all publick Dues to His Majesties Collony of *Virginia*. And whereas it hath been controverted by some ignorant ill-disposed persons, where *Wattkins* Point the Lord *Baltamores* Southermost Bounds on the Eastern Shore is scituate; This Grand Assembly by the care and special Enquiry of Five able selected Surveyors and Two Burgesses, and on the due Examination thereof, conclude the same place of *Wattkins* Point to be the Northside of *Wiccacommico* River on the Eastern Shore, and near unto and on the South side of the Streight *Lymbo*, opposite to *Potuxent* River; which place, according to Capt. *John Smith*, and Discoverers with him, in the year 1608 was so named, being the Lord *Baltemores* Bounds on the Eastern Shore, within which Bounds his Majesties Subjects which now are seated, are hereby commanded to yield due Obedience at their perils: And in case the Lord *Baltamores* Lieutenants or Deputies shall not be fully convinced of his or their actual or pretended Intrusions: This Grand Assembly of *Virginia* in due obedience making the particular part of *Virginia* their present care, on His Majesties behalf do engage and command Coll. *Edmund Scarbrough*, Mr. *John Catlett*, and Mr. *Richard Lawrence*, or any two of them, whereof his Majesties Surveyor General to be one, That upon convenient Notice and Assignment of time and place at *Monakin*, or any other part of His Majesties Countrey of *Virginia*, on the Eastern Shore, they or any two of them as aforesaid, shall give a Meeting to the Lord *Baltamores* Lieutenants or Deputies, or his or their Substitutes as aforesaid, the account whereof to be returned to his Majesties Governour and Council of *Virginia*, and debate and determination thereof; and in the mean time all the Inabitants on the Eastern Shore as aforesaid, are required in his Majesties Name to conform due Obedience to this Act of Assembly: Be it also Enacted, That the Surveyor General of *Virginia* aforesaid, is hereby commanded and authorized to improve his best Abilities in all other his Majesties Concerns of Land relating to *Virginia*, especially that to the Northward of Forty Degrees of Latitude, being the utmost Bounds of the said Lord *Baltamores* Grant, and to give an account of his proceedings therein to the Right Honourable Governour and Council of *Virginia*.

*The bounds of this Collony on the Eastern Shore.*

III. *An*

## III.

## *An Act prohibiting the Exportation of* Deer-Skins *or* Calves-Skins. Vide *Act* 12. Anno 1680.

## IV.

## *An Act prohibiting the Entertainment of* Indians *without* Badges.

SInce it is manifest that divers Thefts are committed by *Indians* on the South side of *James* River, with which the Neighbouring *Indians* being taxed, say and affirm it to be done by the *Tuscaroraes* and other remote Nations, who lying sculking about the English Plantations for private sinister Commerce, cannot be so easily discovered and taken, by reason that the penalty by Law for *Indians* coming in without a Badge is laid on the *Indians* only and not on the *English* entertaining them: Be it therefore Enacted, That what Englishman soever shall privately entertain any *Indian* or *Indians* of any Nation, not having a Badge according to Law, shall be liable to the same Censure and Penalty as the Law imposeth upon an *Indian* for such their illegal coming in; and that the Informer or Discoverer thereof shall have half of the said Penalty.

*No Englishman shall entertain Indians without Badges.*

## V.

## *An Act for better payment of the* 10 s. per *Hogshead Repealed by the 7th Act.* Anno 1665.

## VI.

## *An Act concerning the* Salt-VVork *at* Accomack *Repealed by 7th Act.* Anno 1666.

VII. *An*

## VII.

## *An Act for the exacter Discovery of concealed* Tythables.

WHereas divers Masters of Families, notwithstanding the many Laws made to the contrary, do conceal some of their Families legally Tythable to a very considerable number as may justly be suspected in the whole Countrey, and consequently do enlarge the Taxes of those that do legally conform, for Remedy of the like Abuses hereafter: Be it therefore Enacted by this Grand Assembly, and the Authority thereof, That every Master of a Family shall give an exact Account of all Tythable persons in their said Family, with their several Names, to the next Magistrate appointed to receive the List, annually by the 10*th* of *June*. And in Case any such Master of a Family shall conceal any person or persons of his Family, then every such concealed person or persons shall be forfeited to him that shall make it appear, unless he was bought after the 10th day of *June*: But if any such concealed person, being a Servant, hath less than a year to serve, or if the person concealed be a Freeman, then for every such person the Master of the Family shall forfeit One thousand Weight of *Tobacco*: Provided always, That Women Servants be exempted out of this Act, which whether they are Tythable or not, is referred to the County Court to judge and determine.

*Masters to be fined for concealing Tythable persons in their Families.*

## VIII.

## *An Act concerning the pursuit of* Run-aways.

WHereas the ordinary way of making pursuit after Run-away Servants by Hues and Cries, is by Experience found ineffectual for the recovery of them, and the pursuit at the particular Charge of the Master oftentimes impossible; for Remedy whereof, it is Enacted by this present Grand Assembly and the Authority thereof, That Pursuit after Run-aways be made at the Charge of the Countrey; for effecting whereof, any Justice at the instance of the Master or Masters of the Servants run

away, is hereby required, Authorized, and Impowered, to Issue his Warrant for the pressing of Boat and Hands, or other dispatches, to make pursuit, the Charge whereof shall be defrayed in the next County Levy; and in case the said Fugitives, should notwithstanding such pursuit, make an Escape to any of the Dutch Plantations: It is Enacted, That Letters be written to the respective Governours of those Plantations to make siezure of all such Fugitive Servants, and to return them by the next convenient passage to any of the Collectors of the Rivers, the Vessel that brings them is bound to, and for satisfaction of their Charges, the said Collectors are hereby Authorized to give them his Certificate of the Receipt of his Servant, and of the Sum the Charge amounts to, which being produced by the said Importer or his Agent to the next Assembly or Committee for the Levy, the Sum certified shall be by them raised and paid to the said Importer or his lawful Agent, at such place as he shall desire: And it is further Enacted, That the said Collector shall with as much speed as may be, certifie the Master of the said Servant of his having him in Custody: And in case the Master of the said Servant will pay the Charge of his Importation, then the said Collector is required to take the Bill of the said Master, with security if needful, to the use of the Publick, and to receive the same when due to the use aforesaid, and to deliver such Master or Masters, his or their Servant or Servants, who shall serve his or their Master or Masters for the time of his or their Absence and Charge disbursed, according to a former Act of Assembly in that Case provided; but if the said Master or Masters shall refuse to pay the Charge, then the said Collector is hereby impowered to sell the said Servant or Servants, or hire him or them out for so long time as may re-imburse the Publick disbursment after which time expired; the said Servant or Servants shall be returned to his or their Master or Masters, and serve him or them the remainder of his or their time, and also for the time of his or their being run away, in which, what he serves for satisfaction of the Publick shall not be accounted: And it is further Enacted, That if the said Servant or Servants be taken by the pursuit of the County, That the County shall have such satisfaction as the Publick by Hire or Sale of the Servant.

*Pursuit of Run-aways, to be made at the charge of the County.*

*The Publick shall be re-imbursed for the Charge of their Importation.*

*Satisfaction shall be made to the County.*

IX. An

## IX.

## *An* Act *for the half of all* Fines, *to be paid to the* Informer.

WHereas several Penal Acts of Assembly refer the disposal of the fines to the Assembly, who ever intended the half thereof to the Informer, yet for better Encouragement of such, and better Discovery of those that break and contemn the Law: It is thought fit to Enact, and be it by these presents Enacted, That the half of all Fines incurred by any Person offending against any Penal Law, be conferred on the Informer and Discoverer of any such offences. *The half of all Fines whatsoever, shall be paid to the Informer.*

## X.

## *An* Act *concerning* Foreign Debts.

WHereas it was ommitted to be inserted in the Printed Laws of this Countrey, that Moneys due in *England* for any Consideration not imported into this Countrey should not be Pleadable here; It is therefore Enacted and Declared, That the said Act was never repealed, but that it hath always been and still doth continue in force, and that according to the tenor thereof, no Debt whatsoever is Pleadable against any Inhabitant of this Countrey, but for Goods imported into this Countrey. *No Debts Pleadable in* Virginia, *but for Goods imported thither.*

## XI.

## *An* Act *permitting persons under Execution to redeem their Bodies with their Estates.*

SInce the Act for payment of Executions in kind exposed most Men in the Countrey to ruin, by the Malice of their two riged Creditors, who by that Act might, taking the advantage often times, when Tobacco

bacco or Money, the two things most usually obliged for, were not in possibility to be procured, detain their persons in Prison to the destruction of their Credit, Families and Fortunes: Be it therefore Enacted by the Governour, Council, and Burgesses of this Grand Assembly and the Authority thereof, That the said Act, as too full of rigour, be repealed; and that instead thereof, it be Enacted, That when any person shall be laid under Execution for Debt, he shall first make Oath that he hath not directly or indirectly any specifical Tobacco or Money to answer the Debt, and then shall tender an Estate to the treble value of the Debt; and in case of disability an Inventory of his whole Estate upon Oath to the Creditor, who shall have liberty to make choice of any of the Estate so tendred for satisfaction of his Debt, which being appraised by Four Men Chosen, two by the Creditor, and two by the Debtor, shall be by the Sheriff delivered to the Creditor, and the Debtor be acquitted: But if the whole Estate will not satisfie the Debt, then the person of the Debtor to remain in Prison, and in case of disagreement between the Debtor and the Creditor, either in choice of the Estate or Apprizers, then it shall be lawful for the next Commissioner to appoint Four indifferent persons to choose, appoint and apprize what part of the said Estate shall satisfy the Debt; and in case of their Disagreement, the said next Commissioner shall be and hereby is impowered to determine the controversie.

*The Proceedings in case of an Execution for Debt, and what relief may be had therein.*

## XII.

### *An Act concerning a* Stint, *repealed by the* 3d. *Act.* Anno. 1664.

## XIII.

### *An* Act *respiting the time for Planting* Mulberry-Trees, *which is according to Act. until the last of* December *Anno* 1666.

XIV. *An*

XIV.

## *An* Act *for keeping Holy the* 13th *of* September.

*The Thirteenth of* September, *to be kept Holy.*

WHereas it is Evident that certain Mutinous Villains had entered into ſuch a deſperate Conſpiracy as had brought an inevitable ruin upon the Countrey, had not God in his infinite Mercy prevented it; This Grand Aſſembly to teſtify their thanks to Almighty God for ſo miraculous a Preſervation: Have Enacted, That the Thirteenth of *September*, the day when this villainous Plot ſhould have been put into Execution, be annually kept Holy, to keep the ſame in a perpetual Commemoration.

# At a Grand Aſſembly held at *JAMES CITY* September *20th*, 1664.

I.

## *An* Act *for the priority of Payment to the* Countrey-Creditors.

*Debts contracted in* Virginia *ſhall be firſt ſatisfied.*

WHereas many Perſons coming into this Countrey poſſeſſed of viſible Eſtates, do by that means obtain Credit here, and contract ſeveral Engagements; notwithſtanding which Engagements paſt for valuable Conſiderations, it often happens that the whole Eſtate is by pretended Accounts out of *England*, and Forreign parts taken away, and the Countrey Creditors deprived by that means of their juſt Dues; which this preſent Grand Aſſembly taking into their ſerious conſideration, Have therefore Enacted, That in ſuch Caſes, all Courts ſhall give a priority in Judgments for Debts contracted in the Countrey, if the Claim be made within Twelve Months, before which time no Forreign Debt ſhall be Pleadable, unleſs there be Effects remaining after the Countrey Debts are paid: But

 this

this Assembly intending hereby but only the prevention of frauds, not the prejudice of any just Creditor that hath *bonâ fide* adventured his Goods into this Countrey, hath therefore further Enacted, That if any Factor coming out of *England* or any other of his Majesties Plantations, shall within two Months after his Arrival, make Entry in any Court of Record, of the name of the Person adventuring by him, and the value of the Goods adventured, every such Adventurer shall, if the Factor die, have equal Pleading with the Inhabitants of this Countrey. But in case no such Entry be made, all Goods imported shall be taken to be the proper Estate of the Possessor: And to the end all Merchants and other Persons concerned, may have notice hereof: It is further Enacted, That this Act shall not be in force, until the first of *March*, 1665.

## II.

## *An Act for Frontiers to be seated with Four able Hands.*

*Plantations on the Frontiers to be strengthened with Four able Men well armed.*

WHereas Experience hath evidenced, that the weakness of the Frontier Plantations hath animated the *Indians* to commit several horrid Murders; This Grand Assembly endeavouring as much as may be the prevention thereof for the future, have Enacted, and by these presents do Enact, That no person shall hereafter seat above the Plantations already seated, but with Four able Hands well Armed at his first seating down. Provided, That such Persons that have already patented Land in any remote Parts, may have Seven years granted them, to seat and strengthen each particular Plantation with the aforesaid number of Four Men, or else desert their Land.

III. An

## III.

## An Act for Liberty to Plant.

VVHereas many Endeavours have been used, to induce the Province of *Mary-Land*, to comply with this Government in the Endeavours of lessening the Quantity and advancing the Value of Tobacco, which could it have been effected, had undoubtedly much augmented the Happiness and Prosperity of both Countries; but since the Government of *Mary-Land*, have after so many Treaties and frustrated Expectations, still continued their averseness; This Grand Assembly not thinking fit to lay a restriction upon this Government while they have so great a liberty; have therefore repealed and anulled, and do by these Presents repeal and anull all Acts or Proclamations whatsoever, any way restraining the Inhabitants of this Countrey from making their utmost benefit of their Labour the ensuing year.

*Act restraining, Planting, Repealed.*

## IV.

## An Act for the proportioning all Actions to the Forenoon and Afternoon.

WHereas the dispatch of business to the General Courts, is very much retarded by the liberty granted to all persons Arrested to the said Courts, to appear at any time within the day assigned in the Writ by the Plantiff, by which means most Causes are referred to the Afternoon; and that time being insufficient to hear and determine the said Causes, the Court is thereby necessitated to put Business out of Course, by referring them to the next Morning: For prevention of which Inconveniences, this Grand Assembly have thought fit to Enact, and it is by the Authority thereof Enacted, That all Writs that shall for the future issue out of the Secretaries Office returnable to the General Court, shall be divided according to the respective days into Ten for the Forenoon, and Ten for the Afternoon; and if the Plantiff shall at that time fail in appearing to prosecute, a Non-suit shall be granted against him, and Judgment against the Defendant, or Bail, or Sheriff, in case the Defendant fail of his Attendance to Answer.

*The time for Issuing out of Writs, regulated.*

V. An

## V.

## *An Act concerning the regulating the* Secretaries-Office.

WHereas it is evident, that in all Countreys the well and ill keeping of the Records, is of the highest Consequence, as being the only means to preserve the Rights and Properties of all the Inhabitants of the same; and since it appears that there hath been a great Neglect in keeping the Records in this Countrey: For remedy whereof for the future, the Grand Assembly at the instance of the present Secretary *Thomas Ludwel* Esq; have thought fit to Enact, and be it by the Authority thereof Enacted, That Captain *Robert Ellison*, Mr. *Walter Chiles*, and the *Clerk* of the *Assembly*, be appointed by the House to examine and state the Records as they now are; and that for the future, as soon as there is a place convenient to receive them, no Person may have a view of them, unless upon publick Order, but the Clerks of the Office, or whom else the Secretary shall appoint; it being impossible to keep the Records certain, when they are prostituted to the view of every one that will look into them, who may as their interest leads, rend out what may make against them: Provided, That any Person, having occasion, may be with the Clerk when he makes the Search, for which Search there shall be paid to the Clerk for his Fee, One Shilling, or Ten pounds of Tobacco, besides paying for the Copy of the thing searched for: And it is further Enacted, That but half that Fee shall be paid to the Clerk for searching the County Court Records.

*The Records to be carefully Stated.*

*No person may be permitted to view them without publick Order, except only the Clerks of the Office, or whom else the Secretary shall appoint.*

*The Clerks Fee for searching the Records.*

## VI.

## *An Act for conveneing of the People, upon the Summons of the Burgesses, to adjourn Assemblies.*

VVHereas the principal end of the Convention of Assemblies, is the making Provisions for the peop'es Safety and redress of the Grievances, which being usually made known to the Burgesses of the respective

respective Counties at the place and time of their Elections, which upon Adjournment of Assemblies is not done, by reason the Sheriff does not make publication of their Summons: It is Enacted, That for Convention of the Burgesses at this or future Assemblies adjourned, timely notice may be given to the people by publication in the Parish Churches of the day appointed by the Sheriff of their meeting at their usual places of Election, to present their Grievances to the Burgesses.

*Notice to be given to the people by Proclamation, when the Assemblies are to be adjourned.*

## VII.

## *An Act concerning* VVidows Thirds.

WHereas some doubts have arisen about the proportioning and assigning the Thirds of the Estates of persons Intestate to their Widdow: It is for Explanation thereof, Enacted by the Grand Assembly and the Authority thereof, That the Estates of all Persons Intestate where the Will is doubtful whether personal or real, *viz.* Land cleared or Wood Land and Housing, may be according to the quantity or quality of the said Land and Housing divided equally into Thirds, and the Widow to have her Thirds and choice after the Division.

*All Estates of persons Intestated to be divided into Thirds, and the Widow to have her Thirds and choice after Division.*

## VIII.

## *An Act Repealing the Act concerning* Rumme.

WHereas there was by a former Act of Assembly made at *James* City, *March* 20th 1661, an Imposition laid upon *Rumme* and *Paveal* Sugars; the House upon Consideration of the difficulties of collecting the said Impost, and the defining *Paveat* Sugars, and principally the Obstructions it may bring to the Trade of the Countrey, have thought fit to Enact, That the said Act be totally repealed.

*The Act concerning* Rumme *and* Paveal *Sugars Repealed.*

## IX.

## *An Act concerning* Arrests *in Court times.*

*No Arrests shall be served at* James City *during the General Assembly, nor five days before and after; except upon persons dwelling in* James City *County.*

WHereas divers persons repairing to *James* City in the time of Quarter Courts and Assemblies, some about service of the Publick, some to give Evidences, others to their other occasions, which by the malice of some persons taking them at an advantage, are arrested to a present Answer; for fear whereof, divers persons do absent themselves, to the great prejudice of the Publick Affairs, and the Obstruction of Justice: It is therefore Ordered, That no Arrests Five days before the General Courts or Assemblies, or Five days after the General Courts or Assemblies be served upon any person at *James* City, except he be an Inhabitant of *James* City-County.

# At a Grand Assembly held at *James City October* the 20th *Anno* 1665.

## I.

## *An Act Impowering a* Justice *of the* Peace *to grant* Attachments.

*In what case one Justice of Peace may may grant* Attachments.

WHereas it hath been scrupled whether a particular Justice of the Peace might in any case issue an Attachment; this Assembly have thought fit to declare, That in case of suspicion of any persons intentions to remove out of the County where he dwells, either to conceal himself in the Countrey, or with-draw himself out of the Countrey, whereby the ordinary proceedings at Law cannot be had against him: It is and may be lawful for any Justice of the Peace to issue out an Attachment against so much of the Estate of the person so suspected to remove, as by the Claim made shall in his judgment appear due to the Creditor; replievable by security given or appearance at the next

next Court: Provided, That the said Justice take sufficient Security of him that desires the Attachment to pay the Damages the Court shall award to the Defendant, in case the Plantiff be cast in the Suit.

## II.

## *An Act for Repealing of the Act for defraying the Incouragement for killing* VVoolves *by a Tax upon Horses.*

*The Act for Levying Money on Horses for encouraging the killing of* Woolves *repealed.*

VVHereas the Act for Levying the Incouragement of killing of *Woolves* upon Horses, by reason of the great inequality thereof, imposes too great a burthen upon those Frontier Counties which have most *Woolves* killed and fewest Horses to bear the Charge: It is therefore Enacted by this present Grand Assembly and the Authority thereof, That that Act shall be, and hereby is repealed, and the former Law for paying the Incouragement *per* Poll be revived and continued.

## III.

## *An Act prohibiting the Sale of Arms to the* Indians.

VVHereas there was formerly a Law in force prohibiting the Sale of Arms, Ammunition, or Guns, to the *Indians*, which upon consideration of the said *Indians* being furnished by the *Dutch*, was omitted: It being then thought impolitick to debar our selves from so great an advantage as might accrue to us by the *Indians* Trade, when we could not prevent the supply; yet since those envious Neighbours are now by his Majesties Justice and Prudence removed from us, and the Trade now likely to be in our hands, and none to furnish them besides our own Nation, which in these times of eminent Danger hath scarce ability to furnish our own wants; It is therefore Enacted by this Grand Assembly and the Authority

thority thereof, That the Sale of Arms, Guns, Powder and Shot, be wholy prohibited, and that whosoever, contrary to the intent of this Act, shall by himself or any other, sell or barter Powder, Shot, Guns, or Ammunition to any *Indian*, shall be fined Ten thousand Pounds of *Tobacco*, or suffer Two years Imprisonment without Bail or Mainprize for the first Offence, and for the second to be proceeded against as Felons.

*Any person selling Ammunition to* Indians, *for the first Offence shall be fined* 10000 l. *of* Tobacco, *and for the second be prosecuted as a* Felon.

## IV.

## *An Additional Act for better restraining the Exportation of* Hides *Repealed by* 12 *Act* Anno 1680. Vide.

## V.

## *An Act concerning the intent of some former Penalties.*

WHereas certain doubts have arisen in giving Judgment upon a Penal Law, as stealing of Hoggs, taking away of Boats, and the like, where several persons may be Actors in committing the same Offences, *viz.* whether the Penalties imposed are to be levied upon all the Actors in general, and the payment of the Penalty specified in the Act by any one should acquit the rest, or else Judgment pass for the entire Sum against every particular and individual Offender: Be it Enacted for the better deterring people from committing such Offences, That in all such Cases every particular Offender may be singly prosecuted and have Judgment passed against him for the whole Fine; And because the Laws have been silent in prescribing any way to punish Servants guilty of the Breaches of such Acts where Freemen are to pay a Fine, of which they are during their Service wholly uncapable, and might be encouraged to attempt it, should their punish-

*Where several are Actors in the same Crime, every one to be fined.*

ment

ment be respited, until their time of Service is expired: Be it therefore Enacted, That in all Cases where a Free-man is Punishable by Fine, a Servant shall receive Corporal Punishment *viz.* For every Five hundred pounds of Tobacco, Twenty Lashes; and so many such several Punishments as are Five hundred Pounds of Tobacco included in the Fine, unless their Master or other Acquaintance will Redeem them by making Payment: And it is further Enacted, That if any Person shall by procurement of the Servant upon promise and agreement for future Service, pay the Fine and Release him from Punishment, such Agreement made, shall notwithstanding the Coverture, bind such Servant to performance after his time by Indenture is Expired: And further that the Master have like Remedy against the Servant, in Case of his Trespassing against him.

*Servants that are Offenders, not being capable of paying a Fine, are to receive Corporal Punishment.*

## VI.

## *An* Act *concerning Bounding of* Counties *and* Parishes.

WHereas there is a Law that binds us to the Bounding of our Lands: Be it Enacted by this present Grand Assembly and the Authority thereof, That the same Law be in force to the Bounding of our *Counties* and *Parishes*.

*Counties and Parishes to be Bounded.*

## VII.

## *An Act repealing the Act of* 10*s.* per *Hogshead.*

WHereas the imposition of Ten Shillings *per* Hogshead on Vessels trading from *New-England* and the adjacent Plantations, hath probably hindred their trading in

*The Act for Payment of 10s. per Hogshead repealed.*

this Countrey, and drawn much trading to *Mary-Land*, which the Burgesses taking into their serious Consideration, and requesting the Right Honourable Sir *William Berkley* Knight and Governour, who most heartily and willingly granted the taking off the said imposition of 10s. *per* Hogshead: Be it therefore Enacted by this present Grand Assembly, That all Vessels trading here out of *New-England*, or any other the adjacient Plantations in *America*, shall from henceforth be free from the imposition of 10s. *per* Hogshead, and pay no other Dues, Duties or Customs, then any other Ships or Vessels trading here out of *England*, or any other his Majesties Dominions.

## VIII.

## *An Act concerning the* Indians.

*The Act concerning Murders committed by* Indians *made General.*

Whereas at a Grand Assembly held at *James City September* the 10*th* 1663, it was provided, That where any Murder was committed by the *Indians* upon the *English*, the next Town of *Indians* was to use their uttermost Endeavour for the bringing in and discovering the Actors and Doers thereof, and in regard the said Act was only limited upon the *Northern-Indians*: This Grand Assembly have thought fit to Enact, and be it Enacted, That the said Law be made a General Law against all *Indians* whatsoever; and where any Murders shall be committed upon the *English*, the next Town is to use all their care and diligence in finding the Doers and Actors of the said Murders: And be it further Enacted, That if any *Englishman* be murdered, the next Town shall be answerable for it, with their Lives and Liberties to the use of the publick; and that the Honourable Governour be humbly requested forthwith to impower such persons as his Honour shall think fit in each County on such occasions for putting the said Law into immediate execution. And that it be made known to all *Indians* whatsoever by those persons so commissioned,

missioned, within Two Months after the said Law is in force: And be it further Enacted by this Grand Assembly, That the said *Indians* shall not have power within themselves, to elect or constitute their own Weromance or Chief Commander; but the present Honourable Governour and his Successors, from time to time shall constitute and authorize such Persons, in whose Fidelity they may find greatest cause to repose a confidence to be Commander of the respective Towns; and in case the *Indians* shall refuse their Obedience to, or Murder such person, then that Nation of *Indians* so refusing or offending, to be accounted Enemies and Rebels, and be proceeded against accordingly: And whereas the careless manner of the *English* in going un-armed to Churches, Courts, and other Publick Meetings, may probably in time, incite the *Indians* to make some desperate attempt upon them: It is further Enacted, That the Honourable Governour be requested to issue his Commands to the Officers of the *Militia*, to take care to prevent the same: And it is further Enacted, That any person or persons, that shall harbour, entertain or imploy any *Indian*, shall be fined Five thousand pounds of Tobacco, or suffer one years Imprisonment without Bail or Mainprize, unless such as shall give sufficient Security to the *County Court*, and upon such security obtain a Certificate from the said Court, and upon that Certificate a Licence from the Governour: And whereas by the former Articles of Agreement, it was provided that no *Indians* which were seated on the South-side of *James* River, should come over the Black-Water, or the Southern Branches thereof: It is hereby Enacted, That the said Southern Branches of Black-Water, be from the head of those Branches to the present *Appomattuck Indian Town*, and thence cross the River by a continued Line to the present *Monakin Town*, be the bounds of the *Indians* on the South-side of *James* River.

*The Weromance or chief Commander of the* Indians, *shall be chosen by the Governour of* Virginia.

*No person shall harbour or imploy any* Indian, *without having first given Security, and obtained Licence of the Governour.*

IX. *An*

## IX.

## *An* Act *concerning the* Building *of a* Fort.

*A Fort ordered to be Built.*

IN Obedience to his Majesties Royal Commands, and for the better defence of the Countrey, this Assembly have thought fit to Enact, and be it Enacted, That a Fort be Built with all convenient Expedition, where the Right Honourable the Governour shall think most convenient; and that Fourscore thousand Pounds of Tobacco be levied to that purpose, besides the sale of the King of *Potomacks-Land*: Be it further Enacted, That his Honour give power to press Carpenters, Labourers and other Work-men; and that the Carpenters finding themselves Diet and Lodging, be allowed Forty five Pounds of Tobacco *per* day: And for the better expediting and finishing the said Fort, It is hereby Enacted, That it shall be lawful for the Surveyor of the Workmen, to cause Pines to be fallen in any mans Land for that use, paying to the Proprietor of the Land Six pence for each Tree: And it is further Enacted, That each person of the Trained-Bands in *James City* and *Surrey* Counties, contribute Six days Work towards the perfecting the said Fort, and to bring their own Provisions with them: And be it further Enacted, That Capt. *William Bassett* be Authorized Surveyor of the whole Work, and have Command of the Work-men therein imployed, the County gratifying him the said Capt. *Bassett* with Ten thousand pounds of Tobacco; And the Assembly taking into Consideration what persons be fit to keep the Fort, and be Captain of the same. Have Enacted, and it is hereby Enacted, That the said Soldiers that attend the Governour at General Courts, be ordered to keep the Fort; those Courts excepted where a single Centinel will be sufficient, and that the Capt. of the Guard have the Command of the Fort, and receive a fitting Annual Satisfaction for the same; and that the Souldiers likewise may have a competent Addition to the former pay: And it is further Enacted, That no Tobaccoes for these occasions be levied this year.

*The Governour to direct where.*

*Provisions for Building the same.*

X. *An*

X.

*An Act Preparatory to a Stint or Cessation.* Vide *Act* 1. October 23d *1666.*

At a Grand Assembly held at *JAMES CITY*, June 5*th* *1666.*

I.

*An Act for a Cessation.* Vide *Act* 1. Octob. 23. Anno *1666.*

II.

*An Act concerning Tenders of* Tobacco.

WHereas it hath been and still is the constant Endeavours of this Assembly to give all possible Encouragement to Merchants and Traders into this Collony, and hath hitherto left the receiving or refusing their Debts to their own discretions, without other restrictions to them or liberty to the Planter then this, That if by the last of *January* the Creditor did not demand his Tobacco, it might then be lawful for the Debtor to dispose of it; leaving the Debtor still liable to be sued that year for Security for his Debt. Upon which divers

persons for their private advantages did omit the demanding of the Tobacco in time, and thereby rendring the Planter uncapable of disposing of his Tobacco or clearing himself from the Engagements. For redress of which inconveniences, Be it Enacted by the Governour, Council, and Burgesses of this Grand Assembly and the Authority thereof, That if the Creditor refuse or omit to demand and receive his Tobacco by the last of *January*, that then it shall be lawful for the Debtor at any time between that and the Twentieth of *February*, to address himself to the two next convenient Justices of the Peace, who are hereby required and impowered to appoint three honest and able Men of the Neighbourhood on their Oaths, to view the Tobacco: And if they find it legally Merchantable, whether Old or New, then to weigh and mark it for the use of the Creditor, on whose account the Tobacco so viewed and approved as aforesaid shall after lie; the Debtor still endeavouring to secure it as before the Tender: and the Debtor upon producing the Certificate of the said Tender from the said Justices to the next Court, that Court shall by their Order dischatge the Debtor from his Debt, provided the Tender be made in place according to Specialty. And it is further Enacted by the Authority aforesaid, That in Case of Difference between the Debtor and Creditor, or his Attorney, if either of them be present, whether the Tobacco tendered be merchantable or not, then, two Commissioners as aforesaid, are hereby impowered to appoint a third person as an Indifferent Umpire to determine the difference between them.

Creditors *to demand and receive their* Tobacco *by the last of* January.

*Difference between* Debtor *and* Creditor *whether the* Tobacco *tendered be merchantable or not, to be decided by an Umpire.*

## III.

## *An Act for Altering the Day of the* General Court.

WHereas the Right Honourable the Governour and Council, for divers Reasons them thereunto moving, have desired that the General Court beginning by the present Act the Twentieth day of *March*, may hence

hence forth be held the *15th* day of *April*: It is Enacted by this present Grand Assembly and the Authority thereof, That the said Court be not hereafter held upon the *20th* day of *March*, but upon the *15th* day of *April*, as by this Act is Provided and Confirmed. *The General Court to be held on the Fifteenth of* April.

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## IV.

## *An Act for repeal of the Act preparatory to a* Stint.

VVHereas the Act preparatory for a Stint or Cessation, imposed a Rate upon Wheat of Three Shillings or Thirty Pounds of Tobacco *per* Bushel: The Governour, Council, and Burgesses of this Assembly considering the Low Prizes Tobacco hath been purchased at, and lest the Creditor should draw the price there set into president, have thought fit to Enact, and do Enact by the Authority thereof, That the said Act be to all intents and purposes repealed and made void and null.

At

# At a Grand Assembly held at JAMES CITY October 23d Anno 1680. 1666.

## I.

## *An Act for a Cessation.*

*The Act for Cessation of Planting* Tobacco *from the First of* February 1666, *to the First of* February 1667, *declared to remain in force.*

WHereas at an Assembly held at *James* City the Fifth of *June* 1666, it was Enacted, That a Cessation from Sowing, Setting, Planting, or Tending *Tobacco*, from the First of *February* 1666, until the First of *February* 1667, should be established in this Countrey of *Virginia*, in case the Province of *Carolina* should give their assent to the same, as the Proviuce of *Mary-Land* by their Act of Assembly had engaged to do: Both their said Acts of Assembly of *Mary-Land* and this Countrey impowering certain Commissioners to treat and conclude of the best means of security for putting the said Acts into effectual execution: By vertue whereof the Commissioners in the said Act nominated and appointed, did upon the Tenth day of *July* following meet at *James-City*, and then and there concluded and agreed upon certain means and ways for putting the said Acts into effectual practice, and for the prevention of all frauds and deceits that might be practised therein, as by the Articles there made more fully doth appear. At which Meeting the Commissioners of that Province of *Carolina* did also oblige themselves that the Province of *Carolina* should by an Act of their Assembly confirm the Agreements aforesaid, and transmit the said Act to the honourable Governours of *Virginia* and *Mary-Land* by the last of *September* next ensuing. But whereas by reason of the said Provinces then Engagement in repelling the Assaults of the adjacent *Indians*, that their Acts, though fully at their Assembly

cor

confirmed, could not be ſent to *Virginia* and *Mary Land* by the time in the Articles agreed upon. For which cauſe the Governour and Council of *Mary Land*, though they ſtill acknowledge the Act it ſelf for a total Ceſſation from Planting as aforeſaid to remain in its full force, and in purſuance of the Eſtabliſhment thereof, have cauſed a Proclamatiou to iſſue, requiring and commanding all perſons in the ſaid Province to yield conformity and due obedience thereto: of which to teſtifie their full intents of executing the ſaid Act, tranſmitted a Copy to the Right honourable the Governour of *Virginia*, yet in his Letter declaring, That by reaſon of the ſaid *Act* of *Carolina's* not coming to them by the time in the Treaty prefixed, They conceived that all the Articles in the ſaid Treaty containing the means to have the Act aſſuredly and without fraud put into practice became void: And for that cauſe another Treaty muſt of neceſſity be required, which Reaſons the Governour, Council, and Burgeſſes of this Grand Aſſembly taking into their ſerious Conſideration, have Enacted and Declared, and by theſe Preſents do Enact and Declare, That the aforeſaid Act of the Fifth of *June*, prohibiting the Sowing, Setting, Planting or Tending Tobacco from the Firſt of *February* 1666, until the Firſt of *February* 1667, is and remains in full force, and is hereby Ratified and Confirmed: And all perſons are required to take notice thereof, and yield their due obedience thereunto. For the ſurer Eſtabliſhment thereof, the Commiſſioners in the aforeſaid Act nominated and appointed, or ſo many of them as are there required, are hereby again impowered and deſired to renew the former Treaty with the Commiſſioners of *Mary Land*, and to re-eſtabliſh the Articles in the former Treaty agreed upon and concluded; the Grand Aſſembly hereby obliging themſelves, That the Publick Faith given by the ſaid Commiſſioners for obſervance of the ſaid Articles under their Hands and Seals, and the like reciprocally taken from the Commiſſioners of *Mary Land*, ſhall bind this Countrey and every Inhabitant thereof, to a full performance in the ſaid Act. And that no ſcruple may remain, are fully agreed, That Two Inſtruments of one Tenor, made one to the Governour of *Virginia*, the other to the Lieutenant General of *Mary Land* from the Governour of *Carolina*, That the Inhabitants of that Province will truly obſerve the Articles agreed upon be-

Mary-Land *to concur in the Cessation.*

tween the Governours of *Virginia* and *Mary Land*, shall be accepted and reputed a sufficient Engagement for the Conformity of that Province in the observance of that Act; And if there should appear to the Commissioners any emergent occasion for any thing or things in the aforesaid Treaty Concluded and Agreed upon to be added or altered, they are by this Act impowered to proceed therein as they in their discretions shall find the necessity of Affairs to require: And the Governours Honour is hereby requested by his Honours Commission and Instructions, to confirm the full Power and Authority unto them; and to the intent that Notice may be given to the Honourable Lieutenant General of *Mary-Land*, of our Intentions to renew the Treaty the Governours Honour hereby requesting to send Message to the Lieutenant General of *Mary-land* to certifie to him that upon the 7*th* day of *December* next, or as soon after as Wind and Weather will permit, the Commissioners of this Countrey will meet the Commissioners appointed for that Province at St. *Maryes* in *Mary-Land*, to put in Execution the aforesaid act of Assembly; by which means all Obstacles and Doubts will be taken away, and the aforesaid Law receive a plenary and effectual Execution: And it is further Enacted, That the Governours Honour be requested so soon as possible after the Conclusion of the Treaty, to publish and declare by his Honours Proclamation the full intent and tenor thereof to the several Counties of this Collony.

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## II.

## *An Act shewing how* Debts *are to be paid the* Cessation year.

WHereas it is apparent to all that the Establishment of a Cessation from Planting, will certainly advance the Gains of the Merchant, by giving him time to vend his Commodities: And for that Consideration

ſideration it might be juſtly expected, that he ſhould make ſome proportionate abatement in his Debts; Yet this Aſſembly whoſe care it hath ever been to preſerve the Rights and Properties of every Perſon free from the leaſt violation, have ſtill continued the ſame entire, and have only for the ſupply of peoples Neceſſities and enabling them to provide for their Subſiſtance in the *Vacant year* from Planting, have Enacted, and by the Governour, Council and Burgeſſes of this Grand Aſſembly and the Authority thereof; Be it Enacted, That for all Debts already Contracted to be paid this preſent year in Tobacco, except publick Dues; any Debtor paying one half of the ſaid Debt in kind, ſhall have liberty for the payment of the other half until the 10*th* of *November* 1663, giving reaſonable Security, if requeſted, to pay the remaining half at the time aforeſaid: and in caſe the Creditor will not ſtay out that time, but proſecute the Debtor for payment to be made ſooner, it ſhall be in the liberty and choice of the Debtor to make Tender of his Eſtate before the next Juſtice of Peace, to legal valuation, for Payment of the ſaid Second Moiety: Provided, That if the ſaid Debt be under Two Hogſheads of Tobacco, it ſhall not be lawful for the Debtor to prejudice the Creditor by breaking a Hogſhead of Tobacco, and paying a Parcel thereof.

*Debts due the Ceſſation-year, to be paid one half down.*

*Time to be allowed for the other half, giving reaſonable Security.*

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## III.

## *An Act for Valuation of* Commodities *for payment of* Publick Dues.

BE it alſo further Enacted by the Authority aforeſaid, That all Publick Dues this year, in regard of the Ceſſation and Cauſe that expectation of advancing the Value of Tobacco, there be an abatement

of

of the Sums formerly allowed: And that all Publick and County Debts, Ministers and Parish Dues, Officers Fees, Fines, Quit Rents, and all other Rates and Debts generally that shall be contracted and become due in the vacant year from Planting, may be paid in the Countrey Commodities at the Rates here following: *Viz.* Wheat, Garravances, and English Pease *per* Bushell. Forty pounds of Tobacco, or Four Shillings, Indian Corn shell'd Two Shillings or Twenty pounds of Tobacco, Barley *per* Bushell Thirty five pounds of Tobacco or Three Shillings six pence. Wound Silk *per* pound Two hundred pounds of Tobacco or Twenty Shillings, Indian Pease of all sorts except Garravances *per* Bushell Thirty five pounds of Tobacco or Three Shillings six pence, Oates *per* Bushell Thirty pounds of Tobacco or Three Shillings: Provided, That for prevention of Inconveniences that the Receiver is subject to, if he have not Cask to carry his Grain, it is further Enacted, That the Debtor shall provide and pay the Grain in Cask, and the Creditor to allow him Ten *per Cent.* as in case of Tobacco. No rate is set upon Flax, by reason of the uncertainty of the Quantity; nor Beef nor Pork, because perishable; but both these left to valuation according to Condition and Goodness.

*Valuation of Commodities for payment of Publick Dues, during the Cessation from Planting.*

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## IV.

## *An Act for Rating of* Ordinary Keepers. Vide *Act* 3. Anno 1671, *and Act* 10. Anno 1676/7.

V. *An*

## V.

## *An Act ascertaining* Surveyors Fees.

WHereas the Act concerning the Fees of Surveyors, by reason of the low rates set therein, which seems to have been first made above Twenty years since, when *Tobacco* bore a greater value then can now be expected, deters any Man of Parts, Abilities, or Integrity, from exercising the said Functions, in the faithful and well discharge whereof, the peace and possession of the Inhabitants of this Countrey are so much concerned, and yet for want of a Penalty therein expressed, leaves a Liberty to every one to extort from the People what Sums they please: Be it therefore Enacted by this present Grand Assembly and the Authority thereof, That for encouragment of able Men in that Science to practice the same, that the Fees limited in that Act be doubled; *viz.* Forty pounds of Tobacco for measuring every Hundred Acres of Land, if the whole Divident exceed not, or amount to One thousand Acres; but if under that Quantity, then Four hundred pounds of Tobacco; and for the same shall deliver an exact Plat of the Land Surveyed: And if any Surveyor upon reasonable Demand, not being by Sickness or any other lawful Impediment hindred, shall refuse to measure the Land of any Person whatsoever, for the Consideration and Satisfaction aforesaid; every such Surveyor shall be fined and pay for such his Refusal, Four thousand pounds of Tobacco; and for exceeding the Fee, Two hundred pounds of Tobacco for every Hundred Acres, half to the Party injured, and the other half to the Informer, to be recovered by Action of Debt in any Court of Judicature in *Virginia*: But if the Surveyor go further from home, then he can return in a day, then such Satisfaction to be allowed him as by the former Act is allowed.

*Fees formerly allowed to* Surveyors *doubled.*

Surveyors *refusing to measure Land at the Rates herein appointed, to be fined.*

## VI.

## *An Act repealing the Act of Encouragement for* Killing *of* VVoolves.

County Courts *shall make* By-Laws *for rewarding the Killing of* Woolves.

VV Hereas in ſome Frontier Counties the number of Woolves killed and brought in by *Indians*, though from never ſo remote places, hath very much encreaſed the Taxes of the ſaid Counties when no benefit hath accrued; the Heads of the ſaid Woolves being purchaſed by ſome Inhabitants there, for Lucre of Encouragement given by Act, to the inſupportable burthen of the people: Be it Enacted by this preſent Grand Aſſembly and the Authority thereof, That the allowance for Woolves killed by *Indians*, and the injury of the perſons and places by whom and when they are killed, be wholly left to the County Courts by their By-Laws to take care and provide for, as ſhall be found moſt requiſite for the conveniency and occaſions of each County: Notwithſtanding the Governour and Council have aſſented to this, at the deſire of the Burgeſſes, are of Opinion that this Act will be by the chief deſire thereof quickly repealed.

VII. *An*

## VII.

## *An Act concerning the* Salt-VVork *at* Accomack.

VVHereas the County of *Northampton* hath shewed, That by a former Act of Assembly, the importation of Salt into that County was prohibited for the greater Encouragment of Coll. *Edmund Scarburgh*, who had erected a Salt-work at *Accomack*, but he not furnishing the wants of the People in that County of *Northampton* according to expectation, and the Law restraining their Relief from other places: Be it therefore Enacted by this present Grand Assembly and the Authority thereof, That the said Act, for so much as relates to that County of *Northampton*, be henceforth repealed, and Liberty and Licence granted and given to any person to import and sell Salt there as freely as before that Act of restraint he might have done; Collonel *Scarburgh* himself having given his full assent to this Repeal.

Salt *permitted to be again imported and sold in* Northampton County.

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## VIII.

## *An Act concerning* Indians, *repealed by the 5th Act* Anno 1671.

IX. *An*

## IX.

## *An Act for Supply of* Ammunition.

*Each* County *impowered to make* By-Laws *for the provision of necessary Ammunition at the County Charge.*

WHereas there is a general Complaint of the want of Ammunition for defence of the Countrey in these times of eminent Danger: It is Enacted by this Grand Assembly and the Authority thereof, That each County shall by their By-Laws be impowered to make such Provision thereof at a County Charge, as their several Occasions shall be found necessary to require.

## X.

## *An Act for Setting up* Looms *in each* County.

WHereas the present obstruction of Trade and the nakedness of the Countrey, do sufficiently Evidence the necessity of providing a supply of our Wants, by improving all means of raising and promoting Manufactures among our selves, and the Governours Honour having by apparent Demonstrations manifested, that our Poverty and Necessity proceed more from want of Industry then defect of Ability, since that Five Women, or Children of Twelve or Thirteen years

years of age, may with much ease provide sufficient Cloathing for Thirty persons if they would betake themselves to Spinning, which cannot be Objected against, if Weavers and Looms were once provided: For the better Effecting whereof, Be it Enacted by the Authority of this Grand Assembly, That within two years at furthest after the date of this Act, the Commissioners of each County-Court shall provide and set up a Loom and a Weaver in each of the respective Counties of this Countrey at the charge of the County; And that no private person setting up a Loom at his own Charge, shall excuse the County from setting up a publick one; but that every Court neglecting to perform the Tenor of this Act, shall be fined Two thousand pounds of Tobacco to the use of the Publick and Informer: Provided that the executing thereof in the Counties of *Rappahanack*, *Stafford*, *Westmorland* and *Northumberland*, who by the newness of their Grounds pretend themselves uncapable of making Provision for the soon Employment of a Weaver, be respited for Four years after the date hereof.

*A Loom to be set up and a Weaver provided for each County within Two years.*

XI.

## *An Act Imposing a* Fine *for entertaining* Run-aways.

WHereas divers ill disposed Persons not valuing the Fine imposed by *Act*, which by the inconsiderableness thereof, they think not worth the Pains or Charge of recovery, do harbour and give Entertainment to Loitering Run-away Servants for two or three days, or more; thereby encouraging the said Ser-

*Such as entertain* Run-aways *fined.*

vants in ſuch lewd courſes: For prevention whereof, Be it Enacted by the Authority of this preſent Grand Aſſembly, That what perſon ſoever, contrary to the Act in force, ſhall harbour or entertain any ſuch Run-away Servant, ſhall be fined and pay Sixty pounds of Tobacco for each day and night he ſhall ſo harbour them, to be recovered by the Maſter or Owner of the ſaid Servant, by Action of Debt in any Court of Judicature in this Countrey. This Act extending only to thoſe Servants that ſerve by their firſt Indenture.

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## XII.

## *An Act concerning* Servants *coming in without* Indentures.

*The time* Servants *coming in without* Indentures *ſhall ſerve.*

WHereas the preſent Act in force preſcribing how long Servants coming in without Indentures ſhall ſerve, enjoyns all Servants adjudged by the Courts to be Sixteen years of Age, to ſerve but Five years, and all under to ſerve until they be Twenty four years old; by which inequality a Servant if adjudged never ſo little under Sixteen years, pays for that ſmall time Three years Service; and if he be adjudged more, then the Maſter loſes the like: Be it therefore Enacted, That the ſaid Act be from henceforth altered and amended; *viz.* That all Servants coming in without Indentures after the Expiration of this Seſſion of Aſſembly, ſhall ſerve according to their Age, *viz.* If adjudged Nineteen years or above, then to ſerve Five years; if under that Age, then to ſerve ſo many years as he wants of Twenty four, when his Age is adjudged by the Court: And that every Maſter intending to Claim the benefit of this Act,

is

is hereby required within Two Courts at furthest, after he hath bought or imported a Servant as aforesaid, to carry him to the Court, who by a present Inspection at that time will be best enabled to pass Judgment upon the Matter.

## XIII.

## *An Act for* Criminals *to bear their own* Charges.

WHereas the Charge of prosecuting Criminal Persons hath been hitherto usually defrayed, part by the Publick, but most by those Counties where the Offenders dwelt or the Fact was committed, for avoidance of which Charge it is probable that many Lewd Livers by a too favourable Censure escape their deserved Punishments: Be it therefore Enacted by the Grand Assembly and the Authority thereof, That where the person committed hath Estate sufficient to defray the Charge of his Prosecution, the Publick or County shall not be charged, but the whole paid out of the Delinquents Estate, and the Publick and County only then liable to satisfie where no Estate or not sufficient can be found and discovered.

Criminals (*having Estates*) *shall defray the* Charge *of their own prosecution.* *Otherwise to be prosecuted at the* Charge *of the* County.

## XIV.

## *A* Dispensation *for* Lower Norfolk *to ship their* Tobacco, *a private Act.*

XV. *An*

XV.

## *An Act repealing the Acts of* Encouragement.

WHereas the Prudence and Care of the Publick Good in former Assemblies, thought fit for the Advance and Promotion of Trade, Manufactures, and Staple Commodities in the Countrey, to grant out of the Publick certain Encouragements for Building of Vessels, making of Silk, Cloth, &c. By which means divers people being induced to put the same in practice, have by their success made evident demonstrations how beneficial the same will be; This Assembly in hopes that all People now convinced of the Profits accruing thereby, will of their own accord vigorously prosecute those apparent profitable designs; Have therefore for the ease of the Publick Taxes thought fit to Enact, and by this Grand Assembly and the Authority thereof, it is Enacted, That all Acts of Encouragment of Silk, Building of Vessels, or any other things else, henceforth be generally and totally Repealed and Void; except the Act for release of the Impost of two Shillings *per* Hogshead to Inhabitants of this Countrey adventuring in Vessels belonging properly and solely to *Virginia-Owners*, according to the 134*th* Act of Assembly. And moreover, That the Act for not planting *Mulberry-Trees*, which every one intending to make Silk, now voluntarily propagate, be also repealed and made void.

*All Acts of* Encouragement *repealed except the Act releasing the Imposition of* 2 s. per *Hogshead to the Inhabitants rf thi* Collony.

XVI. *An*

## XVI.

### An Act *for Millers to Grind according to Tourne.*

WHereas divers Owners and Keepers of Publick Mills in this Country, do refuse to Grind Corn according to Tourne, for the Reward and Toll already set and appointed by Act; Be it enacted by this Present Grand Assembly, and the authority thereof, that what person soever, Master, Owner or Lessee of any Mill, shall refuse to grind as aforesaid, shall be fined and amerced, One Thousand Pounds of *Tobacco* for every such offence; And if the Miller so refusing be a servant, he shall be punished at the discretion of the County-Court, where the offence shall be committed, and complained of, unless the said servant can prove that what he did was done by order of the Master; which Fine shall be recovered by any person injured by Action of Debt in the Court of that County where the offence was committed.

## XVII.

### Au Act *Including Sheep in the* 77th Act.

WHereas the seventy seventh Act concerning the Insufficiency of Fences, prohibits any injury to be done to several sorts of Beasts and Cattle, amongst which Sheep are not Included, It is hereby enacted, that from henceforth Sheep shall be comprehended in the said Act, and damages recovered for any injuries done to them, by vertue of the Act aforesaid, as for other Cattle is there provided.

*Sheep Comprehended in the Act concerning insufficiency of Fences.*

## XVIII.

## An Act Ascertaining Dammages upon Protested Bills of Exchange.

WHereas it appears that many *Bills* of Exchange drawn upon persons in *England* by people resident in this Country, in confidence that the Goods by them sent, might produce effects sufficient to satisfy them, which expectation being frustated sometimes by the miscarrying of the Ship, sometimes by not sail of the Goods, or pretence thereof by the Parties on whom they were drawn, causes the said Bills to be protested, and by the great dammage of thirty per *Cent*. given by Act against the Party that charged them is found to tend too much to the detriment and prejudice of the Inhabitants of this Country, It is therefore enacted by this Present Grand Assembly and, the authority thereof, that from henceforth the dammage upon Bills of Exchange protested, shall not exceed fifteen *per Cent*. and that the former Act giving thirty *per Cent*. be hereby repealed and made void.

*Dammages upon protested Bills of Exchange shall not exceed* 15. per Cent.

## XIX.

## An Act declaring that no Justice shall take Fee.

WHereas there is an Act intended for the Relief of poor people, that Causes not exceeding the value of twenty shillings *sterl*. or two hundred pounds of *Tobacco*, might be determined by a Justice of the Peace without further suit; and whereas Complaint hath been made that some of the Justices have contrary to the good intent of the said Act exacted Fees from the Parties coming before them for Justice, to a greater value then the thing sued for amounted to; It is enacted by this Grand Assembly, & the Authority thereof, that it shall not be lawful for any Justice of the

the Peace to receive of any person any *Fees* for any Cause or Matters brought before him or determined by him.

## XX.

## An Act *declaring what is meant by Seating of Land.*

VVHereas there is in all Pattents a provisional Clause for Planting or Seating the Land therein granted within three years, but never yet by any Law declared what was meant by that Clause, nor what should be accounted sufficient Seating or Planting; This Grand Assembly, for the better explanation thereof, have declared and enacted, and by the authority thereof, do enact and declare, That building a house, and keeping a stock one whole year upon the Land, shall be accounted Seating, and that clearing, Planting and Tending an Acre of ground for one year, shall be accounted Planting, and that either of these shall be adjudged as a sufficient performance of the condition required by the Patent; and that after such Planting or Seating the Land as aforesaid, and continuance of paying the Quit-Rents, no Land shall be adjudged to be deserted.

*Building a house and keeping a stock one whole year upon Land, shall be accounted sufficient seating thereof.*

## XXI.

## An Act *concerning Imperfect Pattents.*

VVHereas the Honourable *Thomas Ludwell* Esquire, hath Informed the Assembly, that he finds in the Records, many Patents for great parcels of Land, for which there appears not any Rights upon Record of them extant, upon which the Assembly, taking the Premises into serious consideration, and also the great trouble and prejudice that may ensue to divers honest Inhabitants of this Country, in asserting their Titles, though in truth never so good, yet by these neglects of the Clerk, rendered in strictness of Law altogether invalid, for Remedy whereof, the Governour

vernour, Council and Burgesses of this Present Grand Assembly have enacted, and it is by the authority thereof, Enacted and Ordained, that for preservation of all Present Tytles and prevention of future Trouble, That all Lands held by former Patents, of which there is no Record extant, or to which there are no Rights annexed in the Records until the date of this Present Assembly, shall for ever be held valid and firm, according to the claims of the several Patents, those defects being found to have happened by the neglect of the Clerk in those times in not making present entry of the Rights delivered to them, and the Casualty of of two several Fires whereby many of those Rights, with other Papers were destroyed, the Assembly hereby rendring Thanks to Mr. *Secretary* for his care of preventing future trouble, and requesting him to continue it in not suffering any Patent hereafter to pass the Office, before the Rights are entered, and the Patent compared with the Record.

*Former Patents shall remain firm and valid although no Record thereof be extant.*

*All Patents shall for the future be composed with the Record before they pass the Office.*

## XXII.

## An Act *commanding* Law-Books *to be provided for each County.*

WHereas for the better Conformity of the Proceedings of the Courts of this Country to the Laws of *England*, it appears necessary, that for the better direction therein, all the former Statutes at large, and those made since the beginning of the Raign of his most Sacred Majesty that now is, and some other esteemed Books of *Law*, be purchased; It is therefore by this Grand Assembly, and the authority thereof, accordingly enacted, that all the aforesaid Statute-Rooks, and *Daltons* Justice of the Peace, and Office of a Sheriff: and *Swainbournes* Book of Wills and Testaments be sent for by Mr. *Auditor*, and paid for out of the two shillings *per* Hogshead, and the like Books to be sent for by some of the Commissioners of the County-Courts for the use of the Respective Counties, and paid for out of the County-*Levy*.

XXIII. An

# XXIII.

## An Act *Imposing Fines on Refractory Persons.*

VVHereas the Officers of the *Militia* have Complained, that divers Refractory Persons have in Contempt of authority impowering them, and to the ruine of all Military Discipline refused to appear upon the days of exercise and other times when required to attend upon publick service; It is enacted by this Grand Assembly, that every person neglecting to appear, shall for every such Neglect be amerced and fined, one hundred pounds of *Tobacco*, to be disposed of by the *Militia*, for the use of the Regiment; And that the Commanders return of such Fines to the Sheriffs of the Respective Counties shall be sufficient Warrant, in case of the Parties denial of payment to levy the same by distress. Provided, that if before the laying of the Levy, the Party Amerced do shew to his Commander such cause of his absence as by the Commander, shall be adjudged reasonable then the Party to be excused and the Fine not returned.

*Such as refuse to appear on the days appointed for the exercise of the Militia. fined an hundred pounds of Tobacco.*

# *XXIV.*

## An Act *for the better explanation of the 16th* Act *in the Printed Book.*

VVHereas the sixteenth Act for Sheriffs to take Bail was misinterpreted, and some words left out; It is Enacted, that for prevention of Mistakes in Courts of Judicature, a Copy be transcribed out of the Original for Correction of mistakes of the Printed Book which followeth; Be it also hereby enacted, That all Sheriffs shall take sufficient Bail of all persons Arrested, with this condition, to bring forth the Party Arrested or perform the award of the Court, and if they shall neglect to take sufficient Bail of the Party arrested, or otherwise consent to be the cause of his escape, then the said Sheriff shall be lyable to pay the award of the Court himself; and shall also pay in case the Consent to the escape be proved, one thousand pounds of *Tobacco*, one half the

*Sheriffs neglecting to take Bail or con*

*senting to the escape of the Prisoner shall pay the award of the Court, shall be fined a 1000 l. of Tobacco, if his consent to the escape be proved.*

the Publick, the other half to the Party grieved for his delay in recovering the Debt, but if Bail be taken, and the Party appears not to answer, then Judgment shall be awarded against the Bail, always provided that the Sheriff or Bail, shall if he desire it have an Attachment against the Estate of the Party arrested, and not appearing, and further, that if the Sheriff or Bail shall at the next Court to that which the arrest was made, appear and bring forth the Body of the Party so arrested to answer the suit; Then the Sheriff or Bail shall be acquitted from the Judgment past against them.

## *At a* Grand Assembly *held at* JAMES *CITY* September 3. Anno 1667.

### I.

### *An Act for Tobacco of* Mary-land *growth to be free from Duties.*

WHereas there is an Order at present in force, requiring that all Tobacco though of *Mary-land* growth, shipped in Ships riding in any Harbour of *Virginia*, should pay the Impost of two shillings *per* Hogshead; and whereas at present the Inhabitants of the south-side of *Virginia* in *Potomack* River are inforced for their present necessity, to lay out or Ship the greatest part of their Tobacco in Ships riding in the Government of *Mary-land*, for which as is said, they are to pay the like Duties of two shillings *per* Hogshead, as is paid for *Mary-land* Tobacco shipped upon Ships riding in *Virginia*; Be it Enacted by the Governour, Council and Burgesses of this Present Grand Assembly, and the authority thereof, That for Relief of the said Inhabitants of *Virginia*, who are otherwise likely to pay double Duties, That no Tobaccoes of the growth of *Mary-land*, though laden in Ships riding in any Harbour in *Virginia*, shall be lyable to pay any *Vir-*

*Virginia* Duties from the date of this Act until the first of *October*, which shall be in the year of our Lord, 1668. Nor after, if the next Assembly find cause to continue it. Provided that if the Government of *Mary-land* do lay Impost upon *Virginia-Tobacco* shipped in Ships riding in their Harbour, then this Act to be absolutely Void and Null, and all Tobacco of *Mary-land* growth laden a board any Ship in *Virginia* to pay Duties as formerly. Provided also, that if any person shall fraudulently send on board any Ship in *Virginia*, Tobacccoes of the growth of *Virginia*, and pretend the same to be of the growth of *Mary-Land* intending thereby to defraud the Country of their Dues, he shall forfeit the Tobacco so laden and concealed.

*How long this Act shall continue in force, and upon what conditions to be repealed.*

## II.

## An Act *declaring that Baptism of Slaves doth not exempt them from Bondage.*

WHereas some doubts have arisen whether Children that are Slaves by Birth, & by the Charity & Piety of the Owners made Partakers of the Blessed Sacrament of Baptism should by vertue of their Baptism be made free; It is enacted & declared by this Present Grand Assembly, and the authority thereof, that the conferring of Baptism doth not alter the condition of the person as to his Bondage or Freedom That divers Masters freed from this doubt may more Carefully endeavour the propagating of Christianity by permitting Children though Slaves, or those of greater growth if capable to be admitted to that Sacrament.

## III.

## An Act *of encouragement for Erecting Mills.*

WHereas it would conduce much to the Convenience of this Country both for grinding of Corn, and nearer Roads if Mills were erected at convenient places, which divers persons would willingly do, if not obstructed

by

*Two Commissioners may be impowered by the County-Court, to appoint convenient places whereon to erect Mills.*

by the perverseness of some persons, not permitting others, though not willing themselves to promote so publick a good; It is enacted by this present Grand Assembly, and the authority thereof, that if any person willing to erect one or more Mills upon convenient places, hath Land only on one side the said place, and the Owner of the Land on the other side, refuse to let him have an Acre of Land to the use aforesaid, That then the Countie-Court upon request of the Party so refused, shall order and impower two Commissioners, or such other Credible Person as they shall think fit to view the said Land; And if it take not away housing, or Orchards, or other immediate Conveniencies, then to vallue the said quantity of Land, and to put the same into the possession of the Party building the said Mill or Mills, he paying the consideration the Land is valued at; And it is further enacted, that the like liberty shall be granted for two Acres of Land and no more for erecting Churches or Court-houses. Provided that in case of desertion of any Structure, the Land shall revert to the first Proprietor, he paying what he received for it.

*Also for building of Churches or Court-houses.*

# IV.

## An Act *for Roads to Houses.*

*Convenient passage for Man and Horse shall be made to every Plantation.*

WHereas the dispatch of Business in this Country, is much obstructed for want of Bridle wayes to the several houses and Plantations, It is Enacted by this Grand Assembly, and the authority thereof, that every person having a Plantation, shall at the most plain and convenient place that leads to his house make a Gate in the Fence, for the Convenience of passage of Man and Horse to his house, about their Occasions at discretion of the Owners.

V. *An Act against Exportation of Corn.* Vide *Act* 3. Anno 167[2].

VI. *An Act for Rating of Ordinary-Keepers.* Vide Act 10. Anno 1676.

VII. *An Act for Forts to be built in each River.* Vide Act 2. Anno 1668. *and* Act 1. Anno 1672.

At

# *At a* Grand Aſſembly *held at* JAMES *CITY*, September 17. 1668.

## I.

### *An Act for Eſtabliſhing a Faſt.*

WHereas the many Sins of this Country may juſtly provoke the Anger of Almighty God againſt us, and draw down his Judgments upon us, unleſs diverted by a timely and hearty Repentance; The Governour, Council and Burgeſſes, taking the ſame into their ſerious conſideration, have enacted, and do by theſe Preſents enact, That the 27th day of *Auguſt* next, be ſet a part for a day of Humiliation, hereby ſtrictly requiring all perſons on that day, to repair to their Reſpective Pariſh-Churches, with Faſting and Prayer, to Implore Gods Mercy, and deprecate the Evils juſtly impending over us; And be it further enacted, that if any perſon or perſons in contempt hereof, ſhall be found on that day Gaming, Drinking, or Working, (works of neceſſity excepted) he or they ſo offending, upon Preſentment of the Churchwardens, and proof thereof made to the Veſtry, ſhall be fined one hundred pounds of Tobacco, half to the Informer, half to the poor of the Pariſh; And it is further enacted, that all Miniſters in the Pariſh where they reſide be required to repair themſelves to the ſolemnizing that day.

## II.

### An Act *for diſpenſation of Ships riding under the Forts.*

WHereas the Act for erecting Forts enjoynes all Ships trading into this Country to ride within the command of the Forts, now erected for ſecurity of the ſaid Ships in times of War and Danger, and ſince God hath reſtored to us the Bleſſing of an Univerſal Peace, by which the neceſſity occaſioning that injunction is taken away; The Governour, Council and Burgeſſes of this Grand Aſſembly, for the

ease and convenience of the Inhabitants and Traders have enacted, and by these Presents do enact, That Licence and Liberty shall be, and hereby is granted to all Merchants and Masters of any Ship or Vessel that already is or hereafter shall come into any River of this Country, to ride with their Ships in any part of that River, they shall make choice of, for better dispatch of their Affairs, and this permission to continue in force, until the Governours Honour find just cause to command the contrary.

*Ships permitted to Ride in any part of the River, where they may most conveniently unload.*

# III.

## *An Act concerning Dammages in Appeals.*

WHereas the present Act about Appeals, seeming to take care only of the dammages sustained by Creditors in actions of Debt, is difficult in prescribing a Remedy upon actions in the Case Trespass, *&c.* By which impunity litigious persons do more boldly persist in stirring up and prosecuting malitious and unjust suits, to the great trouble, vexation and dammage of many honest men, and the breach of His Majesties Peace for Redressing whereof, It is enacted by the Governour Council and Burgesses of this Grand Assembly, and the authority thereof, That in all actions the dammages, costs and reasonable expences of suit recovered against the Appellant in the County-Court by Judgment or Verdict of a Jury, shall have fifty *per Cent.* raised upon all those costs and dammages in the General Court or Assembly (if Appeal be made to the General Court) against the person Appealing if cast in the suit.

*Costs and Dammages given in County-Courts upon Appeal to the General Court if cast there, shall be raised* 50. per Cent.

# IV.

## *An* Act *about Correction of* Runaways.

WHereas it hath been questioned whether Servants running away may be punnished with corporal punishment by their Master or Magistrate, since the Act already made gives the Master satisfaction by prolonging their time of Service: It is enacted and declared, That corporal punishment moderately inflicted on a Runaway-Servant by Master or Magistrate, shall not deprive the Master of the Satisfaction allowed by the Law; the one being as necessary to reclaim them from further persisting in that idle course, as the

*Corporal punishment may be inflicted on Runaways.*

the other is just, to repair the Damages sustained by the Master.

V. *An Act Impowering County-Courts to build Work Houses, assisted by the Vestry.* Vide *Act* 10. An. 1666

## VI
## *An* Act *permitting the* Exportation *of Horses and Mares.*

WHereas the numbers of Horses and Mares is so increased, that there appears not any occasion to continue the Restraint of their Exportation; It is enacted by this Grand Assembly, and the Authority thereof, That the Exportation of Horses and Mares shall be from henceforth free and the Act prohibiting it Repealed.

## VII.
## An Act *Continuing the Tax on Negro-Women.*

WHereas some doubts have arisen whether *Negro-Women* set free, were still to be accounted Tythable, according to a former Act; It is declared by this Grand Assembly, That *Negro-Women*, though permitted to enjoy the Priviledge of their Freedom, yet ought not in all respects to be admitted a full fruition of the Exemptions and Immunities of the *English*, and are therefore still liable to payment of Taxes.

Negro-women *though enjoying the priviledg of freedom, not exempt from the payment of Taxes.*

## VIII.
## An Act *concerning the Property of* Tobacco.

WHereas some question hath been made whether weighing or marking, or both, transferred the property of *Tobacco*; some persons having both by weight and mark received, and yet by the alteration of their own occasions have after refused the *Tobacco* so received, and upon pretence of non-acceptance, having the Specialties still in their hands, have recovered Judgments for sums that justly were discharged: Therefore be it enacted by this present Grand Assembly, and the Authority thereof, That Marking alone (being the usual way of appropriating all things) without Weighing, doth transfer the property of *Tobacco* to him that sets, or causes

*Marking of Tobacco alone, sufficient to Transfer the Property thereof.*

causes to be set his mark upon it: And that for ascertaining the sum paid, if the Receiver have not convenience to weigh it when he marks it, then he that pays it away, may after ten days respite, desire any Commissioner of that *County* to weigh the *Tobacco*, or cause it to be weighed; and the Attestation of the said Commissioner, or the oath of the person or persons by him deputed, shall oblige the Creditor to discount, or allow the quantity.

# IX.

## An Act *for Restraint of* Tipling-Houses.

*Not above one or two* Tipling-houses or *Ordinaries to be in each County.*

*Except on Great Roads Ports, &c. as the County Courts shall see necessary.*

*Such as have Licences to keep them, shall give security to the County-Court Commissioners.*

WHereas the excessive number of *Ordinaries* and *Tipling-Houses*, set up for the advance of a private Gain, are found to be full of mischief and ill-convenience, by cherishing Idleness and Debauchedness in a sort of loose and careless persons, who neglecting their Calling, mispend their time in Drunkenness; and having once contracted Debts beyond their Abilities of payment, make Escapes out of the Countrey, to the detriment of the Publick, the loss of their particular Creditors, and often to the Charge of the Parish where they lived: Be it enacted and declared, That the Commissioners of each County-Court be required to take especial care for the Suppressing and Restraint of the exorbitant number of *Ordinaries* and *Tipling-Houses* in their respective Counties: And not to permit in any County more then one or two, and those near the Court-House, and no more; unless in Publick Places, as Ports, Ferries, and great Roads, where they may be necessary for the Accommodation of Travellers, according as their several Courts shall find the necessity of their Counties require. And further, That the said Commissioners take good Security for those to whom Licences are granted to conform themselves to the Laws; And that all persons keeping Tipling-houses without Licence shall be fined two thousand pounds of *Tobacco*, half to the County, half to the Informer, for each time he offends.

At

# At a Grand Assembly held at *JAMES CITY*, the 20th *Day of* October, Anno 1669.

## I.

## *An* Act *about the Casual Killing of* Slaves.

WHEREAS the only Law in Force for Punishment of Refractory Persons, Resisting their Masters, Mistresses, or Overseer, cannot be Inflicted on *Negroes*; Nor the Obstinance of many of them, by other than violent means Suppressed: Be it Enacted by this Grand Assembly, and the Authority thereof, That if any Slave resist his Master, or others by his Masters order correcting him, and by the Extremity of the Correction should chance to dye, such death shall not be accounted Fellony; But the Master, or that other Person by his Master appointed to punish him, be acquit from Molestation: Since it cannot be presumed that Prepensive Malice, which alone makes Murther Felony, should induce any Man to destroy his own Estate.

*Slaves resisting when Corrected if they chance to be killed, their death shall not be accounted Felony.*

## II.

## *An Act against the Importation of* Horses *and* Mares.

WHereas the last Assembly partly to restrain the numerous increase of Horses, now growing rather Burthensome, then any way advantagious to the Countrey, partly

partly to encourage Trade, did permit that *Mares* might be exported; this Assembly taking Care that both the ends aforesaid, might be advanced: Have Enacted, And by these presents do Enact, That no *Horses* or *Mares* after the last of *December* next, shall be by any Person or Persons Imported, or brought into this Colony from any other Plantation or Government whatsoever; And that if any other Person or Persons shall contrary to the Intent of this Act, by any wayes or means bring into this Country any *Horse* or *Mare*, after the last of *December* aforesaid; The Sheriff of that County into which they shall be brought, is hereby strictly required and enjoined, to make present Siezure of the said Mares or Horses, for the use of the Publick, and to render an accouut thereof, to the next Assembly; and out of the Value, the moyety thereof to be allowed to the Informers.

*No Horses, or Mares to be Imported upon Penalty of Siezure.*

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## III.

## *An Act for Re-examination of Orders in the* County-Courts.

WHereas the Twenty Second Act of Assembly, *March* 23. 1661. Prescribes a way of Re-examination of Orders in the General Court, but no mention made in the County-Courts. It is hereby Enacted, that the Course that Act prescribes for the General Courts, shall be strictly Observed in the County-Courts, and the County-Court omitting according to that Act to re-examine and Sign their Orders, shall be fined for every such Omission One Thousand Pound of *Tobacco*, whereof the Sheriff shall give Account to the next Assembly, who are to dispose the same to the Use of the Publick.

*County-Courts shall re-examine their Orders.*

IV. An

## IV.

## An Act *for the Fee of a* Dedimus Poteſtatem.

*The Fee of a Dedimus Poteſtatem Aſcertained.*

WHereas the Act granting Commiſſion of *Dedimus Poteſtatem*, omitting the Fee, hath cauſed great extortion in divers Clerks: It is Enacted that a Fee for a *Dedimus* Iſſuing from the General Court, ſhall be aſcertained at Fifty pounds of Tobacco, and in the County-Court, at Twenty five Pounds of Tobacco each Commiſſion.

## V.

## *An Act for freeing* Virginia-Owners *from* Caſtle-Duties.

*Virginia Owners exempted from Caſtle Duties.*

WHereas the Act for Encouragement of *Virginia*, *Owners* Exempts them from payment of the Two Shillings *Per Hogſhead*. It is hereby Enacted, that they be alſo exempted from paying the *Caſtle Duties* for their greater Encouragement.

## VI.

## *An Act for Encouragement to make* Silk.

WHereas the Advancement for the making of *Silk* will undoubtedly tend greateſt as to the preſent Honour and Reputation, ſo to the future great benefit and profit of the

*Fifty pound of Tobacco allowed by the Publick for every pound of Wound-Silk.*

the Country; It is Enacted, that the former Encourae-gment of Fifty Pounds of *Tobacco*, for every pound of wound Silk, be allowed as formerly out of the Publick.

## VII.

### *An Act for each* County *to send two* Burgesses.

*Each County to send two Burgesses.*

WHereas several Inconveniences have arisen by the Act, giving liberty to the Counties to choose one or two *Burgesses* at discretion, as the Retarding the business of the House, when those single *Burgesses* are upon Committees, or have any Suit of their own, or differences between divers Parishes in the Counties; Or have their Appearance hindred by Sickness or otherwayes. In all which occasions, the County that sends, or part of it, are deprived of the priviledge of thelr Representatives; It is Enacted that each County after this present Session, shall be enjoyned to return two *Burgesses* for the better service of the Publick.

## VIII.

### *An Act for Encouragement to Apprehend Runawayes.* Vide *Act the first*, Anno 1670.

## IX.

### *An Act for destroying* Wolves, *Repealed by Act* 10. 1670.

To

# At a *Grand Assembly* held at JAMES *CITY*, the Third of *October*, *Anno* 1670.

## I.

## *An Act concerning Runaways.*

WHereas the Act made the last Assembly for encouragement to Apprehend Runnawayes, hath seemed too Burthensome to the Publick, by the greatness of the Sum there granted to the taker of them up. And also dificient in some things very necessary for the restraint of Runawayes. Upon Consideration whereof, It is Enacted & Ordained by the Governour, Council and Burgesses of this Grand Assembly, and the Authority thereof, That the former Act of *October*, 1669. be Continued in its full force; But the Sum of one Thousand Pounds of Tobacco therein granted to the Taker of them up, shall be and hereby is reduced to two Hundred Pounds of *Tobacco*, if the Runaway be found above ten Miles from his Masters House. And one hundred Pounds of *Tobacco*, if found above five miles from his Masters house, to be paid by the Publick, in the County where the Party dwells, If it can be for every servant of what quality soever; And that the servant not being Slave, who are also comprehended in this Act, after the expiration of his full time due to his Master, shall serve any person *he shall* be assigned to, by the Assembly or any Commissioner from them, the Term of 4 Months for every two hundred pounds of *Tobacco* paid for him, The Assigne giving Commission to the said Commissioners to repay the *Tobacco* to the Publick. And the Commissioners receiving such Commission to return it to the County-Court, and the County-Court to the Assembly; And that the said Runaway may be the more easily detected, It is further

*Rewards for the Apprehending of Runawayes limited.*

nacted that every Master having a Servant that hath Runaway twice, shall be, and hereby is Enjoyned and Commanded to keep his Hair close cut. And that every Master failing herein, shall be fined One Hundred Pounds of *Tobacco*, for every time the said Fugitive shall after the second time be taken up, half to the Publick, half to the Informer. And for the better preventing such attempts, It is further Enacted. That every Constable into whose hands the said Fugitive shall by any Commissioners Warrant be first Committed, shall be, and hereby is enjoyned by vertue of this Act, though omitted in the Warrant, to whip him severely, and then to Convey him to the next Constable towards his Masters House, who is to give him the like Correction, and so every Constable, through whose Precincts he passeth, to do the like. And that Constables may be the more Careful in their Offices; It is further Enacted, That every Constable into whose Custody the Runaway shall be Committed, shall give a Receipt to the Constable or Party he receives them from, to the end, that if the said Fugitive should by negligence of any Constable make an escape, such negligence might be discovered; and for the Offence, pay Four Hundred Pounds of *Tobacco*, half to the Publick, half to the Informer, and the Fine in the former Act of One Thousand Pounds of *Tobacco* to be Repealed. And because such Runawayes, after the expiration of their time, may by vertue of their Masters Certificate Remove from the place they dwell, in and by such Concealment defraud the Publick of what hath been disbursed for him, It is further Enacted, That every Respective Master Owner of such Servants indebted to the Publick, shall immediately after the time of such Servant is expired, deliver him to the next Justice, who is to deliver him to the next Sheriff to be secured till the next County-Court, there to be Proceeded with, as the Law directs, unless such Servant can procure sufficient Security to pay the Penalty laid on him by the Act; And that every Master giving Certificate before such Delivery of such Servant to the Justice, shall Repay the Publick whatsoever hath been disburst for the Recovery of his Servant during the time he served him.

*How Masters are to deal with Runawayes.*

*The Duty of Counstables in Conveying Runawayes to their Masters.*

II. An

## II.

## An Act *Concerning Fences.*

VVHereas the *Act for Fences* doth not sufficiently provide for Remedy of those many dammages done by Unruly Horses, breaking into Corn-fields, it is by the Authority of this Grand Assembly Enacted, That the Owner of such Horses shall be, and hereby is required and enjoyned to take some effectual course for Restraining them, from Trespassing their Neighbours, from the Twentieth of *July*, to the last of *October* in every year; it being much fitter that Richmen, who have the benefit of such Horses, should provide for their restraint, then the Poor enjoyned to the impossibility of very high Fences: and if any Horse, or Horses shall at any time break into any Corn-Field, the Fence being four foot and a half high, then the Owner of such Horse, or Horses, upon proof of the dammage, shall pay for the First Trespass, single dammages, and for every Trespass afterwards double dammages to the Party Grieved: And because question hath been made about the sufficiency of Fences, according to the former Act, enjoyning them to be close to the bottom, It is hereby Enacted, that being so close as nothing mentioned in the former Act, can creep through, is onely by that Act intended.

*Fences of Corn-fields to be four foot and a half high.*

*Dammages for Trespass.*

## III.

## An Act *for the Election of Burgesses, and by whom.*

VVHereas many endeavours have been used for the publick good in the Election of Burgesses, and whereas the usual way of choosing, is by the Votes of all Persons,

Persons, who having served their time, are Freemen of the Country, who having little interest in the Country, do oftner make Tumults at the Election, to the great disturbance of His Majesties Peace, then by their discretion in their Votes, provide for the conservation thereof, by making choice of Persons fitly qualified, for the discharge of so great a Trust, and whereas the Laws of *England* grant a Voice in such Elections, only to such as by their Estates real or personal have interest enough to tye them to an endeavour of the publick good; It is hereby Enacted, That none but Freeholders and House-keepers, who only are answerable to the publick for the *Levies*, shall hereafter have a Voice in the Election of any Burgess in this Country, and that the Election be at the Court-house.

*Now but Freeholders and House-keepers, shall have a voice in Elections of Burgesses.*

# IV.

## An Act *for Lists of Tytheables to be Published.*

WHereas many endeavours have been used for prevention of Frauds in taking the Lists of Tytheables; It is hereby Enacted, for the surer discovery thereof, that at the next Court after the tenth of *June* in every County, the names and numbers of Tytheables in every List taken by the Respective Justices in their Respective Precincts limited them, be taken by the Clerk of the County-Court, and by him written, and set up at the Court Door, all that Court-day, to the end that if any concealment have been made, the persons living near them may discover them to the Court, and such Penalties be inflicted on them as by the former Law is enjoyned

*Lists of Tytheables shall be set up at the Court-Door.*

## V.

## *An* Act *declaring no* Indians *nor* Negroes *to buy* Christian-Servants.

WHereas it hath been questioned, whether *Indians* or *Negroes* manumitted, or otherwise free, could be capable of purchasing Christian Servants; It is Enacted, that no *Negro* nor *Indian* though baptized, and enjoying their own Freedom, shall be capable of any such purchase of Christians; but yet not debarred from buying any of of their own Nation.

*Indians and Negroes may buy their own Natives, but not Christians.*

## VI.

## An Act *shewing how Certificates for Marriages shall Issue.*

WHereas Complaint hath been made, that divers Persons to the defeating the Law, and Defrauding Parents and Guardians of that natural right, and just Priviledge, in disposing of their Children and Orphans in Marriage, have clandestinely procured the Clerk of other Counties, then that the Parents live in, to give them Certificates, for Licences, and so the Parents by the inequality of the match dishonoured, and the Child ruinated in her Fortunes; It is Enacted, that the Act for Licences to Issue one Certificate from the Clerk of the County-court, be declared to extend to no other Clerk; but of that County where the Maid, her Parents or Guardian dwells, and that the Clerk of that County shall not grant any such Certificates without the personal consent of the Parent or Guardian; and that in every Certificate the Clerk shall expresly averr the same, and every Clerk that shall grant them otherwise then afore, expressed to forfeit his place.

*Certificates for marriage not to be granted without the Consent of the Parent or Guardian.*

# VII.

## An Act *concerning Litigious Suits.*

VV Hereas Divers Litigious Suites are conceived meerly out of envy and Malice, to the ruine of divers poor men, by forcing them to a neglect of their domestick affairs, and unnecessary expences, during their attendance at General Courts: It is hereby Enacted, that in all cases where the Molestation shall be found to be unjust, the party so molesting without cause, may be inforced to pay to the party grieved for every day, he may be reasonably in going to *James City,* and returning home thirty pound of *Tobacco per* day, and for every day of his Attendance to answer sixty pound of *Tobacco per* day, besides his Ordinary Non-Suit allowed by a former act, and costs of Court.

*What Damages are allowed in Case of Litigious Suites.*

# VIII.

## An Act *concerning Commissioners Warrants.*

VV Hereas it hath been doubted whether the Warrant of any Commissioners be in force, to constrain a Constable of another County to prosecute, by Hue and Cry; or to apprehend or convey Runaways to the next Constable: It is hereby Enacted and Declared, that the said Warrant directed first to a Constable within his own Precincts, and so from Constable to Constable for avoiding delays in such necessary Pursuits, obliege every Constable to whom it shall come to the observance and performance of the Contents, of this Precept.

*Constables are to obey Commissioners Warrants.*

IX. An

## IX.

### *An Act of Penalty for not returning two Burgesses.*

WHereas the Act for Electing two Burgesses for each County for want of a Fine, hath not had the due observance it ought; It is Enacted, that every County not sending two Burgesses to every Session of Assembly, shall be fined ten Thousand pounds of *Tobacco*, to the Use of the Publick. *Penalty on Countys for not sending two Burgesses.*

## X.

### An Act *Repealing the* Act *about* Wolves.

WHereas the Act for Encouragement of *Indians* to kill Wolves, and paying the Tribute, Beaver in Wolves-heads, hath not produced such Effects as was hoped and desired, It is therefore Enacted, that the Act concerning the destruction of Wolves, and paying the encouragement by the Publick be Repealed, and the former Act to remain in force.

## XI.

### An Act *for the better payment of Two Shillings Per Hogs-Head,* vide Act 3. Anno 1680.

XII. An

# XII.

## An Act concerning who shall be Slaves.

WHereas some disputes have arisen whether *Indians* taken in War by any other Nation, and by that Nation that takes them sold to the *English*, are Servants for Life, or Tearm of Years; It is Resolved and Enacted, that all Servants not being Christians, imported into this Countrey by Shipping, shall be Slaves for their life time, but what shall come by Land shall serve if Boys and Girls, until thirty years of Age, if Men and women, twlve years and no longer.

*All Servants imported not being Christians shal be Slaves during Life.*

*But those that come by Land for a time limited.*

# At a *Grand Assembly* held at JAMES *CITY*, the Twentieth of *September*, *Anno* 1671.

# I.

## An Act *Prohibiting Millers the taking of more then one eight part of* English Grain *Toll, for Grinding thereof.*

WHereas divers Complaints have been Exhibited against the greatness of Toll paid to Millers, for Grinding of Corn, for the Regulating whereof for the future,

ture, Be it Enacted and Ordained, by the Governour, Council and Burgesses of this Grand Assembly, and the Authority thereof; And it is hereby Enacted and Ordained, That no Miller shall take for grinding of *English Grain*, more than one eighth part, and for grinding of *Indian* Corn, more than one sixth part, as formerly; and that every Miller exceeding herein shall undergo such Fine and Penalty as is imposed by a former Act made at *James City*, the 23d. of *October*, 1666.

*Millers shall take but one eighth part for Grinding* English Corn, *and one sixth for* Indian.

## II.

### An Act *permitting the Exportation of Wool Hides, and Iron.* Vide Act 12. Anno 1680.

## III.

### An *Act for moderating the Rates of Liquors.* Vide *Act* 10. *Anno* 16[illegible]7

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## IV.

### An Act *providing how* Negroes *belonging to* Orphans *of Intestates shall be disposed of.*

WHereas in the former Act concerning the Estates of Persons dying Intestate, It is Provided, That Sheep, Horses, and Cattle, should be delivered in kind to the Orphans, when they come of Age according to the several *Ages* the said Cattle, were of when the *Guardian* took them into his possession, to which some have desired that *Negroes* might be added, this *Assembly* considering the difficulty of procuring *Negroes* in kind, as also the Vallue and Hazard of their Lives, have doubted whether any sufficient men would be

found, who would engage themselves to deliver *Negroes* of equal ages, if the specifical *Negroes* should dye, or become by age or accident inserviceable; be it therefore Enacted and Ordained by this *Grand Assembly*, and the *Authority* thereof, That the consideration of this be referred to the County-Courts, who are hereby Authorized, and impowered either to cause such *Negroes* to be duly apprized, sold at an Out-cry, or preserved in kind, as they shall find it most expedient for the preservation, Improvement, or advancement, of the Estate and Interest of such Orphans.

*The Disposal of* Negroes *belonging to* Orphans, *referred to the* County-Courts

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## V.

## *An Act Repealing the* Act *making it death for* Indians *coming into* Henrico-County.

WHereas the Burgesses [for] the County of *Henrico* have shewed several inconveniencies and hazards, that may happen, by the liberty granted to the *English*, to kill any *Indian* coming within the bounds of that County, which this Assembly taking into consideration, have Enacted, and it is hereby Enacted and Ordained by the Authority thereof, that the said Act be Repealed; and the *Indians* permitted to come into the said County as well as others, about their lawful occasions, Provided they be no where entertained but by Licence legally obtained from the Right Honourable the Governour, as in other places.

*Indians permitted to come into* Henrico-County.

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## *VI.*

## An *Act concerning Sheriffs Fees for Arrests.*

WHereas Complaints have been made that some Sheriffs extorted greater Fees for *Arrests* then were allowed by Law, viz. Twenty Pounds of *Tobacco* for commitment

mitment and Releasment, whether the person were Imprisoned or not, It is Enacted and Declared by this *Grand Assembly*, That the just Fee for an *Arrest* is Ten Pounds of *Tobacco*, for the Bond Five Pounds of *Tobacco*, and not any thing for Commitment, or Releasment, unless the Person were actually put in Prison. *The Fee due to the Sheriff for an Arrest.*

## VII.

## An Act *for Naturalization*, Vide Act II. *Anno* 1680.

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# At *a Grand Assembly* held at JAMES *CITY*, the Four and Twentieth of *September*, *Anno* 1672.

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## I.

## An Act *for the defence of the Country.*

WHereas for the necessary Defence of this Country, and Security of the Ships and Vessels trading thereto; It hath been Enacted, that sundry Forts should be built in convenient places, upon the Rivers, which accordingly have been effected, but forasmuch as the Materials wherewith the said Forts were built were not sufficient nor lasting, some have sufferred utter Demolishment, some very ruinous, and some with some small charge are capable of Reparation; This Grand Assembly taking the same into their serious consideration, and desirous as much as in them lyes, to provide for the safety of this his Majesties Country, so far forth as the present Capacity thereof will admit; Hath thought fit to enact, and it is hereby Enacted

*Forts ruinated and demolished shall be built anew, or repaired with Brick.*

Enacted and ordained, by the Governour, Councel and Burgesses of this Grand Assembly, and the Authority thereof, that the Forts on all the Rivers be built substantially with Brick in all such places, where the Demolishment, or ruine of the former forts shall require to be built anew, and that those Forts that are capable of being repaired, shall also be done with Brick, in all such places where the demolishment or Ruine of the former Forts shall require; and that the Commissioners of the Respective Associations do take care that this Act be put into speedy and Effectual Execution, and whereas the Moneys rising from the Fort-Duties, have been design'd to remain in Stock for the use of the Respective Forts, which at present is not sufficient to defray this charge of building and repairing; Be it further enacted by the Authority aforesaid, that it shall and may be Lawful for the Comissioners of each Association, and they are hereby fully authorized and Impowered to Asses, and Levy so much *Tobaccoes* in their Respective Counties, as shall be wanting and needful for the building and repairing of their Respective Forts as aforesaid, and whereas the Act of 1667 hath provided for the Mannagement and Command of the Forts; It is hereby further enacted by the Authority aforesaid, that this additional be thereunto made; *viz.* That upon all Alarms or sudden Invasions, or Occasions in the absence of the Major Generals, the next Colonel or adjacent Commander to any Fort, shall draw down of his Regiment his or their Company or Companies sufficient for the defence thereof, till further order of the Superiour Officers; And forasmuch as against all times of danger, it ought to be the care of all men to provide that their Arms and Habiliments of war be always kept fixt and fit for Service, and that Armourers and Smiths may be encouraged to work; It is also enacted by the Authority aforesaid, that the Commissioners of the Respective *Associations*, shall and do *Ascertain* the Rates for the work of Armourers and Smiths and such Artificers. And for the prevention of the great trouble that usually accrues to Artificers in Collecting several small Parcels in payment for work done, that the said *Artificers* shall take from under the hands of those for whom they work, and return the same to the Commissioners aforesaid, which accounts by them shall also be returned, Rated into their Respective Countie Courts, when the Levy is laid, the *Artificers* to be paid intire by the Counties, and the Counties Reimbursed by the Person for whom the work was done, and

*How Levies are to be made for effecting it.*

*The Rates of Smiths, Armourers, &c. to be assertained.*

*The said Artificers to be paid by the Counties, and the Counties to be Reimbursed.*

And that the said Artificers may not delay people which repair to them with their Arms, be strictly enjoyned under a Fine to be imposed by the said Commissioners, to lay aside all other works to go about this of Arms. And whereas it hath been a frequent and evil practice of many men upon sight of Ships or Vessels newly arriving, to go on Board, not knowing whether they be Friends or enemies, *by* means whereof opportunity hath been given and taken by the Enemies, to obtain intelligence to the great prejudice of the Country, for prevention whereof for the future; Be it Enacted by the Authority aforesaid, That it shall not be lawful for any Cannooe-Boat or Sloop to go on Board any Ship or Vessel, that shall arrive into any part of *Virginia*, before the said Ship or Vessel send on shoar, and thereby are known what they are. And if any shall offend in this kind, each Cannooe or Boat shall be amerced 400. Pounds of *Tobacco*, and *Cask* and *Sloope* One Thousand Pounds of *Tobacco* and *Cask* to be recovered by Action of Law, One Moytie to the use of the County, where the Offence shall be Committed, and the other Moytie to the Informer; But if Servants onely have the Rule of the Cannooe-Boat or Sloop, they to receive corporal punishment of Forty Lashes, but redeemeable by the Fine aforesaid, provided alwayes that this Clause of the present Act for preventing intelligence to the Enemy, do and shall continue in Force during times of War and no longer.

*No Boat to go on Board a Ship newly arrived, before the said Vessel send on shoar.*

## II.

## An *Additional Act concerning Orphans Estates.*

WHereas the sixty sixth Act of the Grand Assembly, Holden at *James City* the 23d. of *March*, 1661. hath laid down several Rules unto the County-Courts, for the management and securing the Estates of Orphans.

Now for as much as it hath been manifested to this Assembly, that some Courts have endeavoured to dispose of some Estate of Orphans according to the Act have not found any persons willing to take and secure them in manner and form as that Law requires. This Grand Assembly taking the same into their Consideration, and desiring that such an expedient might be provided, That in such Cases neither the Courts nor the Orphans may be prejudiced, have thought fit that an Additional *Act* be made thereto. Be it therefore Enacted, By the Governour, Council and Burgesses of this Grand Assembly, and the Authority thereof; That it shall, and may be lawful for the County-Courts, to dispose of Orphans Estates according to the best of their judgment and advantage of the Orphans. In such Cases where the said Courts cannot find persons, will take Orphans Estates according to the afore Recited *Act*.

*County-Courts Authorized to dispose of Orphans Estates.*

## III.

## An Act *concerning Tytheables born in the* Country.

For the better discovery of what persons born in this Country, are and ought to be accounted Tytheables, and the ages of the younger sort the better known. Be it Enacted by the Governour, Council and Burgesses of this Grand Assembly, and by the *Authority* thereof; That all persons who are appointed by the County-Courts, to take the Lists of Tytheables each Countie shall take an account of all *Negroe Mulatto*, and *Indian* Children within their several Precincts. *And* the Masters

*persons appointed by the County-Courts shall take Lists of Tytheables.*

ſters or Owners of ſuch Children, are to make appear upon Oath or Evidence the ages of them. *And* that all *Negroe* and *Mulatto* Children and Slaves that ſhall be born in this Countrie, ſhall by their Reſpective Maſters or Owners within Twelve Moneths after their Births, be Regiſtred in the Pariſh Regiſter with their exact *Ages*. *And* in default thereof, the ſaid Maſter or Owner ſhall pay Leavie for them for that year, and ſo yearly till ſuch Regiſter be made. *And* it is further Enacted by the *Authority* aforeſaid, That all *Negro* Women born in this Countrie, ſhall be accounted Titheables at ſixteen years of age.

*The Births of Negro and Muletto Children and Slaves born in* Virginia *ſhall be Regiſtred*

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## IV.

## An Act *limiting how long accounts ſhall be Pleadable.*

FOr the prevention and avoiding of many Suits and Controverſies, it hath ſeemed Convenient to this Grand *Aſſembly*, to limit a time beyond which accounts may not be pleadable, for as much alſo as there is a Law, which admits no Bills pleadable after five years; Be it therefore Enacted and Ordained, and it is hereby Enacted and Ordained by the Governour, Council and Burgeſſes of this Grand *Aſſembly*, and by the *Authority* thereof, that accounts ſhall not be pleadable after three years by any perſon living in this Countrie. *And* not after five years by any perſon, that ſhall lay claim by accounts out of this Country this *Act* not relating any thing to the *Act* concerning accounts againſt dead mens Eſtates.

*Accounts ſhall not be pleadable after three years by perſons living in this Country*

V. An

## V.

### *An Act concerning Servants Sold for the custom.*

WHereas it hath been the Practice of divers Servants, who have been sold for the custom of the Country after the departure of the Ship wherein they arrive; And Persons who sold them to produce or pretend Indentures for shorter time: Whereupon disputes have frequently arisen between the said Servants and their Masters for Prevention whereof for the future: be it Enacted, by the Governour Council and Burgesses of this Grand Assembly, and the Authority thereof; that every Servant who comes Inpresumable without Indenture, and so sold for the Custom, shall by his Master be brought before some Justice of the Peace, to declare whether he hath any Indenture, and if the Servant shall alledge he hath, but cannot as then produce it, the said Justice shall in the Case Assign him one Months time, within which if the said Servant fail to produce it, he shall be barred from his Claim; by reason of any pretended Indenture whatsoever.

*Indentures to be produced.*

## VI.

### *An Act, concerning Masters of Ships and Collectors, Vide* Act the third, *Anno* 1680.

## VII.

### An Act for Suppressing of Vagabonds and disposing of poor children to Trades.

WHereas some wholesome Laws and Statutes have by the Wisdom of several Parliaments of *England* been made and are in force; as well for the Suppression of Vagrant and Idle Persons as setting the poor on work, The neglect of which Laws amongst us hath encouraged and much encreased the number of Vagabonds, idle and desolute Persons; Be it Enacted, and it is hereby Enacted and ordained, by the Governour Council and Burgesses of this Grand Assembly and the Authority thereof, that the Justices of peace in every County do put the Laws of *England* against Vagrant Idle and desolate Persons, into strict Execution; And that the Respective County-Courts shall and hereby are authorized and Impowered to place out all Children, whose Parents are not able to bring them up Apprentices to Trades; The Males till one and twenty years of Age, and the Females to other necessary Imployments until eighteen years of Age and no longer, and the Church wardens of every Parish shall be strictly enjoyned by the Courts to give an account annually at their Orphans Courts, of all such children, within their Parish as they judge to be within the said Capacity.

*The Laws of* England *shall be put in Execution aginst Idle and vagrant Persons.*

*Poor Children to be provided for.*

## VIII.

### An Act for the apprehension and Suppression of Runaway Negroes and Slaves.

FOrasmuch as it hath been manifested to this Grand Assembly, that many Negroes have been and still are out in Rebellion in sundry parts of this Country, and that no

meanes have been found for the Apprehension and Suppression of them; from whence many mischiefs of very dangerous consequence may arise to the Country if either other *Negroes Indians* or Servants should happen to fly forth, and joyn with them, for the Prevention whereof; Be it Enacted by the Governour Council and Burgesses of this Grand Assembly, and the Authority thereof, that if any *Negroe Mulatto, Indian* Slave or Servant, for life runaway, and shall be persued by Hue and Cry: It shall and may be Lawful for any Person who shall endeavour to take them upon the Resistance of such *Negroe Mulatto, Indian* Slave or Servant for life, to kill or wound him or them so Resisting, Provided always, and it is the true intent and meaning thereof: That such *Negroe Mulatto, Indian* Slave or Servant for life be named and described in the Hue and cry, which is also to be signed by the Master or owner of the said Runaway: And if it happen that such *Negroe Mulatto, Indian* Slave, or Servant for life, do dye of any wound in such their Resistance obtained: The Master or owner of such, shall receive Satisfaction from the Publick, for his *Negroe Mulatto, Indian* Slave, or Servant for life, so killed or dying of such wounds, and the Persons who shall kill or wound by vertue of any such Hue and cry, any such so resisting in manner as aforesaid shall not be questioned for the same, he forthwith giving notice thereof, and returning the Hue and cry, or warrant to the Master or owner of him or them so killed or wounded, or to the next Justice of the Peace: And it is further Enacted by the Authority aforesaid, that all such Negroes and Slaves shall be vallued at four thousand five hundred Pounds of *Tobacco* and cask a piece, and *Indians* at three thousand pounds of *Tobacco* and cask, and further if it shall happen that any *Negroe Mulatto, Indian* Slave, or Servant for Life in such their Resistance, to receive any wound whereof they may not happen to dye; but shall lye any considerable time sick or disabled; Then also the Master or owner of the same so sick or disabled, shall receive from the publick a Reasonable Satisfaction for such damages as they shall make appear they have sustained thereby at the County-court, VVho shall thereupon grant the Master or owner a *Certificate* to the next Assembly of what damages they shall make appear. And it is further Enacted, that the Neighbour *Indians* do, and they are hereby required and enjoyned to sieze all Runaways whatsoever that shall happen to come amongst them, and to bring them before

*Runaway Negooes and Slaves shall be persued by Hue and Cry.*

*Runaway Negroes Mulatto Indians Slaves or Servants for life resisting may be killed.*

*The Master shall receive Satisfaction from the Publick.*

*At what rates such Negroes and Slaves shall be vallued.*

*The Neighbour Indians required to sieze Runaways and bring them before some Justice of the Peace.*

fore ſome Juſtice of the Peace, who upon the Receipt of ſuch ſervant or ſervants, ſlave or ſlaves from the *Indians* ſhall pay unto the ſaid *Indian* or *Indians* for a Recompence for each twenty Armes length of *Rhoanoke* or the value thereof, as the *Indian* ſhall like of, for which the ſaid Juſtice of the Peace ſhall receive from the publick two hundred and fifty pounds of *Tobacco*, and the ſaid Juſtice is to proceed in conveying the runaway to his Maſter according to the Law, in ſuch caſes already provided this act to continue in force until the next aſſembly, and no longer unleſs then it be thought fit to continue it.

*The Recompence allowed for ſo doing.*

*How long this Act ſhall continue in Force*

# IX.

## An *Act concerning Swamps and Marſhes.*

WHereas ſeveral Inconveniencies may ariſe to many of the Inhabitants of this Countrey, who have Lands adjoining to Swamps Marſhes and ſunken Lands unpattented, If any others who are disjoyned from the ſame may be admitted preſently to take up and Patent them. This Grand Aſſembly taking the ſame into their Conſideration, and being willing that mens very Conveniencies be preſerved unto them, from which in this caſe they need not depart but by their own default have Enacted and ordained, and it is by the Governour Council and Burgeſſes of this Grand Aſſembly and the Authority thereof, enacted and ordained; That it ſhall not be lawful for any Perſon whatſoever to take up any Marſhes ſwamps or ſunken Lands adjoining to any mans Land, but ſhall firſt give notice to the Owner or owners of the Land to which it adjoineth, who ſhall have one years time to reſolve whether he or they will take up the ſame or no, and in Caſe at the Expiration of that term the owner or owners of the Land adjoining to the

*who may take up Swamps, Marſhes or ſunken Lands.*

ſaid

*The method to be followed in that case.*

said Land *Marsh or Swain* shall then refuse to survey and Patent the same. It shall then be lawful for the first person who gave notice as aforesaid to survey and Patent the same according to Law.

X.

## An Act *declaring mens Notes how far pleadable against their Estates if dead.*

XI

*Notes pleadable after Decease of the Party.*

*A proviso in that Case.*

WHereas it hath been Controverted whether Notes, charged on persons by a Man in his life time are pleadable after his decease for Determination whereof, the Governour, Council and Burgesses of this Grand Assembly, have Enacted and Ordained, and by the *Authority* aforesaid, It is Enacted and Ordained, That all such Notes shall be pleadable if by Comparing of hands or otherwise it shall appear, to have been the *Act* of the Decedent, and the person who claimeth make Oath of the Justice thereof; *And* that he hath not received satisfaction for the same or any part thereof; Provided alwayes it be sued for within Twelve Months after the Parties decease, and within three years at most after the Date of this *Act*.

## At a Grand Assembly held at *JAMES CITY*, *the* 20th *Day of* October, Anno 1673

I. An

## I.

## An Act *for the Establishing the* Dowers *of* Widdows.

VVHereas many Doubts have arisen concerning the Estates of persons dying intestate, and of what part thereof ought to appertain to the Widdow, for the Clearing whereof, Be it Enacted by the Governour, Council and Burgesses of this Grand Assembly, and the Authority thereof, that where persons dye intestate, the Widdow shall be endowed with the third part of the real Estate to be equally divided as to Housing Fenced Grounds, Orchards, Woods and other valuable Conveniences during her natural life. And the third part of the Estate personal, if there be but one or two Children; But if there be any number of Children more how many soever in that Case, the personal Estate to be divided amongst the widdow and all her Children, share and share alike. And in Case the Husband make Will, that he hath it in his power to devise more to his wife than is above determined, but not less.

*Intestate Estates.*

*Widdows shall be endowed with the third part of Estate Real.*

*The provision for Children in such Cases.*

## II.

## An Act *providing for the supply of Arms and* Ammunition.

FOr the better supply of the Countrey with Arms and Ammunition, Be it Enacted by the Governour, Council and Burgesses of this Grand Assembly, and the Authority there-

*Captains of Foot and Horse to take an account of what Arms and Ammunition are wanting.*

thereof, that the Captains of Foot and Horſe in each Countie do take a ſtrict and particular account of what Arms and Ammunition are wanting in their ſeveral Companies and Troops, and repreſent the ſame to their Reſpective Collonels at the next Countie-Court, after *January* next; But if there be not any Collonel of Horſe within their Countie, then the Captain of Horſe to repreſent the ſaid wants immediately to the Countie-Courts, unto which Courts at the next Seſſions following, the Collonels aforeſaid are by this *Act* enjoyned to return and repreſent the wants of the *Militia* in their ſaid Counties, as they ſhall receive the ſame from their ſubordinate Officers aforeſaid, and if any Captain of a Foot Company or Horſe, or Collonel of any Regiment ſhall fail to perform his or their duty herein, ſhall be fined namely every Captain One Thouſand Pounds of *Tobacco*; And Collonel Two Thouſand Pounds of *Tobacco*; And be it further Enacted by the *Authority* aforeſaid, That the particular Countie-Courts be impowered upon their Reſpective Counties, to raiſe and lay a Leavy for the providing of *Arms* and *Ammunition* for ſupplying the wants aforeſaid, That is to ſay, Muskets and Swords for the Foot, and Piſtols, Swords & Carabines for Horſe; And alſo for every Liſted Souldier at the leaſt Two Pounds of Powder, and ſix pounds of Shot. The ſaid *Arms* and *Ammunition* by the Courts, provided, as aforeſaid to remain in the hands of the Officers of the *Militia*, for them to diſtribute the ſame as there ſhall be occaſion, and that thoſe to whom diſtribution of *Arms and Ammunition* ſhall be made do pay for the ſame at a Reaſonable Rate, to be Collected by the Sheriff or Collector as in Caſe of Levies and publick dues to the uſe, and towards the Reimburſement of the Counties. And if any Court or Courts ſhall fail in their duties to provide within one year after ſuch preſentment made by the Officers of the *Militia* aforeſaid of their wants aforeſaid for the full ſupplying thereof in manner aforeſaid, they ſhall be fined ten Thouſand Pounds of *Tobacco* to be paid as alſo the other Fines impoſed by this *Act* to the uſe of the Reſpective Counties, and that the Burgeſſes of the ſeveral Counties be required, and are hereby enjoyned to give an account unto the *Aſſembly* how this *Act* is put into Execution.

*an Acconut thereof ſhall be given to the County-Courts.*

*Officers neglecting their duty therein to be Fined.*

*Levies to be raiſed by County-Courts for providing of Ammunition in their Reſpective Counties.*

*What Ammunition ſhall be provided.*

III. An

## III.

## An Act for the better putting into execution the Act for Processions.

VV Hereas it hath been Represented to this Assembly that the Act for Processions hath been hindred to be put in Execution for that the ascertaining the Bounds of Orphans Land is not thereby provided for, Be it therefore Enacted by the Governour, Council and Burgesses of this Grand Assembly, and the Authority of the same, that the Lands of the Orphans be also Comprized in that Act that is to say, when difference shall happen to arise concerning the Bounds of Orphans Lands, and that the said differences cannot otherwise be determined, nor the bounds of the adjacent Lands discovered, that then such Orphans Lands be layed forth by two honest able Surveyers in presence of the Neighbourhood, and two such men as shall be appointed by the *Countie-Courts*, on the behalf of the Orphan and the charge thereby accruing, sustained in manner following, *viz.* The Orphan to pay one half of the Survey of his own Land, and the Owner or Owners of the Land adjacent whose bounds are thereby also ascertained the other half and the whole charge of surveying his or their Lands.

*Processions shall be continued.*

*The Bounds of Orphans Lands, to be layed forth and by whom.*

IV. An

# IV.

## An Act for the Advancement of the Manufactory of Flax and Hemp.

Forasmuch as it much conduceth to the well being of any Country that the necessities thereof be supplyed from their own Industry within themselves; And that the less they have occasion for from abroad the less will be depending on forreign supplies, whereof the Calamity of War and other Accidents may prevent them. And whereas this Assembly having taken into their Consideration the low and contemptable price, we are allowed for our *Tobaccoes* occasioned chiefly by the great quantities yearly made, have thought fit if it may be to abate that quantity by advancing the more useful and necessary Manufactory of Flax and Hemp; And in order thereunto have Enacted and Ordained, And it is by the Governour Council and Burgesses of this Grand Assembly, and by the authority of the same, Enacted and Ordained; That the Respective County-courts within this colony do at the cost and charge of their Counties at or before the twentieth day of *October*, which shall be in the year 1675. procure one quart of Flax seed, and one quart of Hemp seed for every tythable Person within their Counties and the same cause to be distributed among the Inhabitants, and that the courts failing to procure the said Flax seed or Hemp seed, and thereof to make Distribution in manner as aforesaid; be fined five thousand pounds of *Tobacco*: And be it further Enacted by the Authority aforesaid, that every tythable within this Country the next year after the Distribution do make or cause to be made one pound of drest Flax, and one pound of drest Hemp, or two pounds of either, and so yearly and every year under the Penalty of sixty pounds of *Tobacco*, for every pound of Flax or Hemp neglected to be made as aforesaid, The same to be made by such Master owner

*Provision made for the Manufacture of Flax and Hemp.*

*One quart of Flaxseed and the like quantity of Hempseed shall be distributed to every tythable Person in each County.*

*One Pound of Dressed Flax or Hemp to be yearly delivered, for every quart of seed*

owner or overseer of any Family or Company of Servants, or any other tythable that shall be found defficient in the Premisses, and for the better discovery of such neglect and difficiency, that all Masters owners or overseers who have the charge of Families, Companies of Servants and other tythables at the time of laying the Levies in their Counties, do produce unto those Persons who are appointed to take the lists of tythables in each county the said quantity of Flax or Hemp, or either of them by this act enjoyned to be made, and the same deliver'd upon oath that it is of his or their own growth.

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## V.

### *An Act concerning Tradesmen and other* Artificers *to pay* Levies.

FOr Explication of the Laws which have seemed to Exempt Artificers, *&c.* from paying Levies: Be it Enacted by the Governour Council and Burgesses of this Grand Assembly, and by the Authority thereof, that no Tradesmen Merchants, nor any Artificers whatever above the age of sixteen years be exempted for the future from payment of Levies, any Act Custom, or usuage to the contrary notwithstanding.

*All Merchants Tradesmen & Artificers, above the age of 16 shall pay Levies.*

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## At a *Grand Assembly* held at JAMES *CITY*, the Twenty *first* of *September*, *Anno* 1674.

# I.

## An Act for an Addreſs and Supplication to be made to the Kings moſt excellent Majeſty.

*An Act for an Addreſs and Supplication to his Majeſty.*

WHereas this Grand Aſſembly are deeply ſenſible of the many and grievous Preſſures that are dayly growing, and ſtill likely to grow, and be impoſed upon the Inhabitants of this his Majeſties Colony of *Virginia* by certain Lords Pattentees who under Colour and pretence of promoting the good of the Colony, and augmenting his Majeſties Revenues, have obtained certain Letters, Pattents, and grants derogating and in prejudice of many Royal Conceſſions and grants from time to time, granted by his Majeſty and his royal Progenitors, in favour to this Colony all which may be juſtly feared, the ſaid Lords by their Deputies and Miniſters will endeavour to make void, and of none effect by impoſing new rents and Services altering the form of our Tennors, compelling us to new Surveys and new Patents, impoſing fines and Compoſitions on Surpluſage Lands and Lapſes at their will and pleaſure by Nominating of Sheriffs, Eſcheators Surveyors, and other Officers and in effect deveſting the Government of thoſe juſt Powers and Authority by which this Colony hath hitherto been kept in Peace and Tranquillity, and all mens rights and Properties preſerved unto them, and whereas the ſaid Grand Aſſembly on great Deliberation have conſidered by what convenient ways and means thoſe Agrievances might be removed, how our Liberties Priviledges, immunities, rights and Properties might be had, made and eſtabliſhed to us and our Poſterity, have thought fit that an humble Addreſs and Supplication be made to his Sacred Majeſty by this Grand Aſſembly in the name of this his Majeſties moſt Loyal Colony; ſetting forth as well by what Legal Grants and Conceſſions his Majeſty and his Royal Progenitors have from

from time to time been graciously pleased to indulge this Colony the grievous Pressures likely to grow on us, by reason of the late Grants to the Lords; That his Majesty would graciously please to Revoke the said Grants to the Lords, and for securing us from our fears in time to come, of being removed from his Majesties immediate Protection, To confirm our Liberties, Priviledges, Immunities, rights and Properties as aforesaid by his Majesties Royal Charter, & that certain Gentlemen in whose honour integrity & Care for promoting the good of this Country; this Grand *Assembly* have a just Confidence, be desired to Address themselves to his Majesty in the name of the Grand Assembly and Negotiate in *England* all other publick affairs of this Country, and because it is manifest that a work of this Nature is not to be undertook nor effectually prosecuted without money, and that we be not imprudently wanting to our selves, in a matter of so great Importance this Grand Assembly have thought fit that a sum of Money be raised of and from the Inhabitants of this Country, to be used and Imployed towards the Accomplishment of the ends and Purposes aforesaid; Be it therefore Enacted by the Governour Council and Burgesses of this Grand Assembly, and the Authority thereof, that fifty pounds of *Tobacco* besides Cask and Sallary be Levyed from every tythable person within this Colony this present year, and fifty pounds of *Tobacco* besides cask and Sallary the next year, and that this be disposed to several Undertakers at the rate of Eight Shillings *per Cent.* for producing Money as aforesaid, and Accomplishing the ends and Purposes aforesaid, in manner and Form following, *viz.* The Fifty pounds of *Tobacco* to be Levyed this present year in the Counties of *York*, *New-Kent*, *Glocester* and *Middlesex*, be paid to the several Undertakers of those Counties, at eight Shillings *per Cent*, by the Sheriff or Collectors of those Respective Counties; They paying double the money this present year, That Fifty pounds of *Tobacco per Poll*, doth amount to at Eight Shillings *per Cent.* and to accept of their full Compensation of their present disbursments, Fifty pounds of *Tobacco per Poll.* of the same Counties aforesaid, the next year, and that the Undertakers for the rest of the Counties in *Virginia* pay no more money then Fifty pounds of *Tobacco* doth amount to, at Eight Shilling *per Cent.* this present year to be paid them by the Sheriffs or Collectors of those Counties aforesaid, and the like summ of money next year upon payment made to them of fifty pounds of *Tobacco* *per*

*Levies to be made for carrying on the same.*

*How to be raised.*

*per Poll.* and ordered them to be Levyed, and that all Sheriffs and Collectors who have the charge of those Payments to the Undertakers, be and are hereby strictly required to cause Payment to be made of the best *Tobaccoes*, and as convenient as may be: Provided alwayes, that if no Undertakers do present themselves for any of those remaining Counties, that then the Respective County-courts are hereby required and commanded to Ship the *Tobaccoes* within the Counties for *England*, and consigne it to sufficient Merchants, and to cause the neat produce of it to be paid unto Mr. *Secretary Ludwel* and Colonel *Daniel Park*, for the Account of the Grand Assembly of *Virginia*: And be it further Enacted by the Authority aforesaid, that the money which shall be found due on the ballance of the Account of the two Shillings *per Hogshead*, be also remitted into *England*, to the Order of the Grand Assembly as aforesaid, And whereas this Grand Assembly are also sensible by the lowness of the publick Revenue, that money may yet be wanting for the advance and carrying on this most necessary work; Be it also further Enacted, by this Grand Assembly and the Authority thereof, that seventy pounds of *Tobacco per* cause in the general Courts, and fifty pounds of *Tobacco per* cause in the County-courts shall be amerced in the name of the Penalty, upon every Person that shall be cast in any suit except in Action of debt, in which if any be cast, he or they so cast as aforesaid, shall be Amerced in the general court Fifty pounds of *Tobacco*, if in the County-court thirty pounds of *Tobacco*, and in case of appeals double, Provided neverthelesse that all causes of Orphans be out of this clause of amercements utterly excused and foreprized, and be it further Enacted by the authority aforesaid, that the clerks of the county-courts give account of the said amercements also of all fines arising on Penal Laws at the raising of the Levy, when the courts are to deliver them to the Sheriffs, and the Sheriffs be, and hereby are authorized and enjoyned to collect and distrain for the same, as in case of Levies, and the courts are hereby authorized and impowered to dispose of the *Tobaccoes* to the best advantage of the country, and be accountable to the Grand Assembly for the Uses aforesaid, and that this clause of amercements be of force the next court after Publication hereof in each county, and so remain until the next *Assembly*, and no longer, unless it be thought fit to continue it.

II. *An*

## II.

## An Act *Ascertaining allowances for evidences summoned to the General Court.*

WHereas it hath been Considered that the allowance which the Law hath formerly given to witnesses who are often summoned from remote places, to give in evidence at the General Courts, is too little. As also for their attendance and expence in town; Be it enacted by the Governour, Council, and Burgesses, of this Grand Assembly, and by the Authority thereof, that thirty pounds of Tobacco *per diem* be paid to such witnesses as come to *James City* twenty miles and upwards; and that all witnesses have sixty pounds of Tabacco *per diem* for their expences the time of their attendance there.

*thirty pound of* Tobacco per diem *allowed to witnesses that come 20 miles, and upwards to* James City, & 60. *pound* per diem *during their attendance there.*

## III.

## An Act *prohibitting the Justices of the several County-Courts, for Levying Tobaccoes upon the People for their accomodations and expences whilst they are keeping Court.*

WHereas it hath been Complained of, to this Grand Assembly, that it hath been the frequent practices of some of the Justices of the several County-Courts of this Countrey at the time of Laying their Levie to assess upon

the People of their respective Counties, certain summes of *Tobacco* for the paying and Satisfying their expences and accomodations whilst they are holding Courts, and attending thereupon, which practice is by the Grand Assembly adjudged illegal, be it therefore enacted by the Governour, Council, and Burgesses, of this Grand Assembly, and by the Authority thereof, That no County from henceforth pay or allow for accomodation of the Justices, at their County-Courts, any Order usuage or Custom to the contrary notwithstanding.

## IV:

## *An Act Commanding such Indians who keepe Hoggs to mark the same.*

WHereas Complaint hath been made that divers the Inhabitants of this Countrey have received mischief by the Indians in their Stock of Hoggs, against whom rarely any Legal proof can be produced to discover and Convict them; Be it therefore enacted by the Governour, Council, and Burgesses, of his Grand Assembly, and the Authority thereof that Indian proof as well as other legal proof shall from henceforth be good against all such Indians to Convict them on the Act against Hoggs stealing; And that those of the Indians who keepe Hoggs, do and hereby are enjoyned and required to give such a particular mark for that town where they live, as shall be appointed by the adjacent Counties.

*The Hoggs of Indians shall be mark'd with a Particular mark signifying to what Town they belong.*

V. An

# V.

## *An Act Impowering Feem Coverts to make good acknowledgment of Sales of Land.*

WHereas the Legal way in England in passing Estates where the Inheritance in a Feem Covert Is by way of fine and recovery. And it being the usual way in this Countrey for many years, we having no fines and recoveries, that Sales have been made by the Husband and wife of the Inheritance, of the wife by Conveyance, from them and the said Conveyance acknowledged in the General or County-Courts, by the Husband and wife; The Wife being first privately examined by the Court whether she acknowledgeth the same freely, but there being no Act of Assembly to Authorize the same; Be it therefore enacted by the Governour, Council, and Burgesses, of this Grand Assembly and by the Authority thereof; that all such Sales and acknowledgements, That by Husband and Wife have at any time hertofore been made in manner and form as aforesaid, or shall hereafter be made shall be good and effectual against the said Husband and Wife, their and every of their heirs and Assignes. And against all other Persons Clayming by from or under them or any of them; and that to all Intents and purposes: As if the same had been done by fine or Recovery or by any other wayes whatsoever.

*All Sales and acknowledgments that are made by Husband and wife to stand good in Law,*

## At a Grand Assembly held at *JAMES CITY*, *the* 7th *Day of* March, Anno 167⅚.

I. An

## I.

An *Act for the Safeguard and defence of the* Country *against the* Indians, Vide *Act the 1st. Anno 1679.*

## II.

An Act *prohibitting trade with* Indians Vide Act *the* 3d. Anno 1677. *and* Act 8. Anno 1680.

## III.

*An* Act *prohibitting the exportation of Corne,* &c.

WHereas the Countrys preparation for war in all likelyhood may cause a more then ordinary expence of Provisions; It is therefore thought fit it be enacted, and it is by the Governour, Council, and Burgesses, of this Grand Assembly, and Authority thereof, enacted,

acted and Ordained that no Corne or other Provision from and after the fifth day of *April* next shall be exported out of this Colony under the penalty of two hundred pounds of *Tobacco* for every *Barrell* of Corne, and double the price of any other provision, to be paid by the party exporting it. Provided neverthelesse that it shall and may be Lawfull, for those who have already loaden any Corne or Provisions on board, and have purchased others to lade the same within the time afore limitted, but not afterwards, and the same so laden to export without Impeachment, any thing in this Act to the Contrary notwithstanding. And it is further enacted, That this restraint Continue till the last day of *July* next, and no longer, unlesse the honourable Governour think fit to Continue the Restraint.

*No Corn shall be exported under penalty of paying 200. pound of Tobacco, for every Barrel thereof and twice the price of other Provisions.*

*The terme this Act shall continue in force.*

## At a *Grand Assembly* held at JAMES CITY, the fifth of *June*, *Anno* 1676.

ALL the Acts and Orders of this Assembly are Repealed, made Void and Null by His most Sacred Majesties Instructions and Proclamation; And also by the fourth Act of Assembly, bearing date at *Green-Spring* the twentieth of *February*, *Anno* 167 6/7.

## At a *Grand Assembly begun at* Green-Spring, *the Twentieth of* February, Anno 167 6/7.

### I.

### *An Act of Indemnity and free Pardon, Repealed by his* Excellencies Proclamation, Anno 1680.

## II.

*An* Act *of Attainder, Repealed by his* Excellencies Proclamation, Anno 1680.

## III.

An Act *inflicting Pains, Penalties and Fines upon great Offenders, Repealed by his* Excellencies Proclamation, Anno 1680.

## IV.

*An Act Declaring all the* Acts, *Orders, and Proceedings of a* Grand Assembly *held at* James City *in the Month of* June, 1676. Void, Null, and Repealed.

WHereas *Nathaniel Bacon* the younger in the Month of *June*, 1676. Whilst the Governour, Council and Burgesses were met and Convened together at a Grand Assembly, to Consult the great Concerns of the Countrey, did enter *James City* in a Rebellious manner, with a considerable

ſiderable number of Armed Men, to the number of ſix hundred, or thereabouts, Environing and Beſieging the Governour, Council and Burgeſſes, and offering force and violence to them, and every of them, threatning them with ſuddain death, if they would not grant his unreaſonable, unlawful Rebellious and Treaſonable Demands, and by his Threats and offered violence did obtain to himſelf whatſoever he ſo unlawfully demanded. And whereas the Kings Moſt Excellent Majeſty, by his gracious Proclamation, and the Right Honourable the Governour by his Proclamation, hath long ſince declared all the Proceedings of the ſaid Aſſembly to be void in Law; Be it therefore Enacted by this preſent Grand Aſſembly, and the Authority thereof, That all Acts, Orders, and Proceedings of the ſaid Grand Aſſembly be Repealed, and made void and Null.

*All Acts of Aſſembly made during the Rebellion raiſed by Bacon, Repealed.*

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## V.

## An Act *for Relief of ſuch Loyal Perſons as have ſuffered Loſs by the late Rebels, Repealed by His* Excellencies *Proclamation,* Anno 1680. Vide *Act* 1. 1680.

VI. An

# VI.

## An Act ascertaining the price of Cockquets.

WHereas Complaint hath been made to this *Assembly*, that for times past, there hath been usually taken and received several and divers Sums of Money from the Inhabitants of, and Traders into this Collonie, under the notion of Cockquet-money, in some places one penny *per Hogshead*, & in some places twelve-pence for each Cockquet, or several Bill of Loading for *Tobacco* shipped, or divers and sundry marks in one *Bill* of loading; and that there hath hitherto been no Law or *Act* of *Assembly* for the same; Be it therefore Enacted by the Governour, Council and Burgesses of this Grand *Assembly*, and the *Authority* thereof, and it is hereby Enacted, that from and after the publication hereof, the Rate and Price for every Cockquet be as followeth, *viz.* One half-penny *per Hogshead* for all such quantities and parcels as shall be contained in one *Bill* of loading or Entry, which shall not exceed the number of Twenty *Hogsheads*, and twelve-pence for every *Cockquet*, for all such quantities as shall be contained in one *Bill* of loading or Entry which shall exceed the number of Twenty *Hogsheads*, and no more shall be taken for each *Cockquet* although different marks shall be contained in one and the same *Entry* or *Bill* of loading. And be it further Enacted by this present Grand Assembly, and the *Authority* thereof, And it is hereby Enacted, that the *Acts* of *Assembly*, made in the year 166½. The Act made in the year 1666. and 1669. which allows the impost money of two shillings *Per Hogshead* to such Owners as dwell and reside in *Virginia*, be from henceforth Repealed, except onely to such Owners of Ships or Vessels as already have been built, or hereafter *shall* be built in *Virginia*, and shall wholly belong

*One half-penny* Per Hogs-Head *payable for all Bills of* Loading *not containing above* Twenty Hogs-Heads.

*In Bills of Loading exceeding that number 12d. for every Cockquet.*

*A Repeal made of several Acts Relating to the payment of* 2s. per Hogshead *Impost.*

long *bona fide* to Owners residing in this Countrey; Provided alwayes that such Ships as are now within the Capes, and are wholly belonging to *Virginia-Owners*, be for this present Voyage free from paying the said Impost of Two Shillings, according to the intent and meaning of the afore-recited Acts. And be it further Enacted, that for the time to come there be no Fees taken for Vessels or Ships built in this Colony, and belonging wholly to the Inhabitants of this Countrey, other than two shillings six-pence for Entry, two shillings and sixpence for Licence to Trade, two Shillings and six-pence for clearing, and two shillings and six-pence for the Bond.

*what Fees are to be taken for Vessels built in this Colony, and belonging wholly to the Inhabitants thereof.*

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## VII.

## An Act *Limiting Masters dealing with their Servants.*

WHereas several Complaints are made that divers and sundry Masters of Servants during the time of several their Servants servitude and more especially, some small time before the expiration of their service, do by indirect meanes make sundry and divers bargains and Agreements, to the Servants great Injury, hurt, and damage, who because of his Coverture is drawn in and often times necessitated to Comply with the avaritious tempers and unreasonable desires of such Masters; for the prevention whereof for the Future; Be it Enacted by the Governour, Council and Burgesses of this Grand Assembly, and the *Authority* thereof, That from and after Publication hereof, it shall not be lawful for any Masters of Servants, to make any *Bargaine* or Agreement with his Servant before the time of his first Service, by Indenture or Custome of the Countrey, is expired and fully ended, either for such Servants, Corne and Clothes, or

*No Master shall make any Bargaine or Contract with his Servant before the full time of his service be expired, unless it be in the presence of, and with the approbation, of some Justice of the peace.*

otherwayes, except the same be made and Confirmed betwixt such Master and Servant bargainning and agreeing in the presence and with the approbation and good liking of some one or more Justices of the peace in the Countie where such Master resides, upon the penalty of forfeiting to such Servant, such time of service as shall be due to the Master, at the time of making such Bargaine, otherwayes and in other manner then is herein set down by this Law, meant, and intended, and also all other advantages and agreements, contained, conditioned for, or included in such *Bargaine* or Agreement, whatsoever.

## VIII.

## An Act *Limiting times of Receipt and Payment of Publick* Tobacco.

WHereas several persons have been and still are lyable to be prejudiced by the Remissness of Sheriffs and Collectors of the Publick, and County-Leavies, who often take advantagious times to demand and receive the publick Dues, and other Collections, for which they may in several Cases make seizure and distress; for prevention whereof for the future, Be it Enacted by this present Grand Assembly, and the Authority thereof; And it is hereby Enacted, That the 80th. Act of Assembly in the Printed Book of Acts, Limiting a certain time when Creditors shall demand their Debts, shall be interpreted and holden to extend to Sheriffs & other Collectors of the Publick, & Countie-Leavies, and of all other Sheriffs and Clerks Fees; And also that all publick Countie-Debtors and all Debtors of or for Sheriffs or Clerks Fees, may have the benefit and Liberty of the second Act of Assembly made in the year *1666.* which admits

mits of Tenders of *Tobacco* to the Creditors according to the full intent, meaning or purport thereof; And be it further Enacted by this Grand Assembly, and the Authority thereof, That in Case of Collecting the publick or Countie-Dues or other Fees as aforesaid, any Sheriff or Collector shall at any time make seizure or distress of more *Tobaccoes* then is at that time due from the Debtor; That in all such Cases, the person seizing shall make immediate satisfaction to the party from whom they shall make such seizure, or otherways that he be allowed to take his *Over-plus Tobaccoes* out of the Hogshead so seized, and that no Sheriff or other publick *Collector* shall or may from or after the *publication* of this *Act* presume to make seizure of any Hogshead of *Tobacco* before that time paid away and marked; And if there be at that time other Merchantable *Tobaccoes* ready in such *Plantation* where such seizure was made, and which shall be offered and tendred by the Debtor. And be it further Enacted by the Governour, Council and Burgesses of this Grand Assembly, and the Authority thereof, And it is hereby *Enacted*, That the Justices holding Court, be by vertue of this Act for the time to come fully impowered to Commissionate and appoint the Respective *Collector* or *Collectors* of the *publick*, and Countie-Levies. And whereas Complaint hath been made that sometimes one and the same person hath officiated at the same time in the Office of Justice, as Justice of the Peace, and *Clerk* of the Countie-Court. which hath been found inconvenient for the prevention whereof for the future; Be it *Enacted* by this present Grand Assembly, and the authority thereof, That no person whatsoever shall be capable at the same time of being a Justice of the Peace, and Clerk of the County-Court, or being at one and the same time High Sheriff of the *Countie*, and *County-Court-Clerks* and for the greater ease of the Inhabitants of this *Countrey*, Be it enacted by this present Grand Assembly, and the authority thereof, And it is hereby enacted, that from and after the publication of this Act, it shall and may be lawful for the *County-Court Clerk* to depute the High Sheriff or Under-Sheriff of the Countie, to enter such actions as shall be brought to them or either of them; and that such *Entry* be held good in Law. And for the better guide of the *County-Courts* and more sure administration of Justice, be it enacted by this present Grand Assembly. and the authority thereof, That such of the Honourable *Council* of State as will please at any time to sit in any *Court* of *Virginia* shall

*A Regulation of Seizures made of Tobacco due to the Publick.*

*No person shall be Justice of the Peace or High Sheriff and Clerk of the County-Court at the same time.*

*The County-Clerk may depute the High Sheriff or Under-Sheriff to enter Actions.*

and

and may have equal vote with every Justice of the Peace, of or belonging to the said *Court*; and that such *Councellour* so sitting with the *Court*, be by the *Clerk* entred to sit there, and be equally liable and responsible with every other Justice of Peace for all such Acts or Orders of *Court* he shall at any time of such sitting with the *Court*, give *Vote* and assent to. And be it further enacted by this Grand *Assembly*, and the *Authority* thereof, and it is hereby enacted, that no person whatsoever not born in this *Country* from and after the publication of this *Act*, shall be capable of bearing any Office within this *Colony* of *Virginia*, *whether Civil* or *Military*, unless Commissionated by his Most Sacred Majesty, before such person have been dwelling and residing three years in this *Colony*. And be it further enacted by the Governour, Council and Burgesses of this Grand Assembly, and the authority thereof, and it is hereby enacted, that all such persons as have been Convicted in *England* or elsewhere, & are either now Residing or shall hereafter come into this Countrey, be for ever uncapable of bearing any Office Civil or Military, within this his Majesties Colony of *Virginia*. And be it further Enacted by this present Grand *Assembly*, and the *Authority* thereof, that whereas the 64th. *Act* in the printed book, doth impower the *County-Courts* to grant probates and administrations, which probates and administrations are usually signed by the Right Honourable the Governour, which is not only burthensome to his Honour, but inconvenient to the Inhabitants, Be it *Enacted*, that from & after publication hereof, it shall and may be lawful for any two Justices of the *Quorum* in their Respective Counties, to sign such probates and letters of administration, and the same so signed shall be held and deemed good in Law, provided always that Certificates thereof be sent to Mr. *Secretaries Office*, as is provided by the aforesaid *Act* of *Assembly*.

*Members of the Council of State, may sit in any Court in* Virginia.

*No person not born in Virginia shall be capable of bearing any Office there, till they have dwelt three years in the Country, unless Commissionated by His Majesty.*

*Persons Convicted in* England, *shall be held uncapable of bearing Office in Virginia.*

*Any two Justices of the Quorum, may sign probates of Wills and Letters of administration*

IX. An

# IX.

## An Act Repealing the Act allowing free Tythables to divers Persons.

WHereas by ſeveral Acts of Aſſembly it is provided, that every Reſpective Councellor, and ten of his Family, ſhall be free from paying any publick or County-Levies, and alſo that every Miniſter and ſix Tythables for their attendance at *James City* in General Court-times, and times of Aſſembly, be free from paying Levies; which Laws are found unequal and inconvenient; Be it therefore Enacted by the Governour, Council, and Burgeſſes of this Grand Aſſembly, and the Authority thereof; And it is hereby Enacted, that all former Laws relating hereunto, be henceforth Repealed; and that inſtead thereof there be annually paid and allowed out of the Moneys ariſing upon the Impoſt of two Shillings *per Hogſhead* to the Councellors attending General Courts and Aſſemblies, over and beſides the two hundred and Fifty pounds *Sterling* according to ſeveral Acts and Orders of Aſſembly, uſually heretofore paid them, one hundred pounds *Sterling*, which together with the ſaid two hundred and fifty pounds *Sterling*, makes in the whole three hundred and fifty pounds *Sterling*; and that all the ſaid three hundred and fifty pounds *Sterling* to be annually paid as aforeſaid, ſhall be diſtributed and proportioned amongſt the ſeveral Councellors attending at General Courts and Aſſemblies according to their Attendance at the ſame proportionably; which diſtribution and proportioning ſhall be annually made by the right honourable the Governour, and the ſeveral Councellors according to their attendance,

*Allowance to the Councellors attending at General Courts.*

attendance, more or leſs, at General Courts or Aſſemblies. And be it further Enacted by this *Grand Aſſembly*, and the Authority thereof, that there be annually paid out of the ſaid Impoſt money to ſuch Miniſter or Miniſters, as by the Right Honourable the *Governour* ſhall be appointed, and ſhall attend at *General* Courts or Aſſemblies, five pounds *Sterling* for their attendance, for every *General Court* or Aſſembly they ſhall attend; and that no Perſon or Perſons heretofore tythable by any Law, Cuſtom or uſuage, be from henceforth exempted from paying publick or County-Levies, the Right Honourable the Governour and his Servants excepted, the Single Perſons of every one of the Council, and alſo all Miniſters beneficed in this Countrey, and ſuch Lame or Impotent Perſons as either already are, or ſhall from time to time be ordered to be exempted out of the Liſts, by the County-courts where they dwell.

*Miniſter to have 5 pound allowed him for his Attendance on the General Court.*

*Who only are exempted from the payment of publick or County-Levies*

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## X.

## *An Act Regulating Ordinaries, and the Prices of* Liquors.

WHereas the Multiplicity of Ordinaries in this Colony is found to be pernitious and hurtful to the Inhabitants; Be it therefore Enacted by the Governour, Council and Burgeſſes of this *Grand Aſſembly*, and the Authority thereof, and it is hereby Enacted, that from and after the Publication of this Act, there ſhall not be admitted, ſuffered or licenced, above two Ordinaries in any one County of this Colony at one time, except in that County where the general court ſhall be held; and that the power of

*Not more than two Ordinarys in any one County, except in that where the General Court is held.*

of granting Licences be in the Reſpective County-courts, the Right Honourable the *Governour* being paid for ſuch Licences according to former Laws in ſuch caſes; and that no Perſon be Licenced to keep Ordinaries, but ſuch as are accountable, and will enter into ſufficient bond to find and provide conſtantly for Travellers good Dyet, Lodging and horſmeat, and will rate and ſell their Proviſions and Liquors according to the rates and prices hereafter ſet down, and allowed by this Law, upon ſuch Penalties and Forfeitures as ſhall be therein provided and inflicted, which Penalties ſhall be and belong the one half to the perſon or perſons who ſhall inform of and ſue for the ſame, and the other half to the County wherein the ſame ſhall be forfeited. And be it Enacted by this *Grand Aſſembly*, and the Authority thereof, that all Ordinaries ſelling Liquors, do demand or take no more for *Virginia* Drams, Strong Beer or Ale, then is ſet down in the Act of Aſſembly, made in *September* 1671. that the rate for Cyder and Perry, if boyled, be twenty pounds of *Tobacco* for one Gallon, and if Raw, eighteen pounds of *Tobacco per Gallon*; that the price of lodging be three pounds of *Tobacco* for one Night; that the price of Dyet, where the general court of Aſſembly is held, be twelve pounds of *Tobacco* each meal for the Maſter, and eight pound for the Servant; and in all other Ordinaries in the Countreys ten pounds of *Tobacco* each meal for the Maſter, and ſix pound for the Servant; that the rate of Horſe-Paſtorage be ſix pounds of Tobacco for one day and Night; and if houſed, for ſtraw and Hay eight pounds of Tobacco the day and night, and for *Indian* Corn after the rate of forty pounds of Tobacco *per* Buſhel, and for Oats after the rate of ſixty pounds of Tobacco *per* Buſhel; and that all Ordinary-keepers be, and are hereby enjoyned to ſecure all Horſes that they have charge of, from running away and being ſtoln, upon the Penalty of paying the charge of finding the Horſe or Horſes, or paying for them if loſt; and that the Juſtices of every Reſpective Court, within this Colony be enjoyned in the Months of *May* and *November*, yearly to meet at their County-court-houſe, and aſſeſs and ſet the rates on all Liquors as are not herein mentioned, and rated according as the Market price then rules for ſuch Liquors; and that no Ordinary-keeper preſume to advance and take for ſuch Liquors ſo by the Juſtices rated above *Cent per Cent* Profit, upon the Penalty and forfeit of Ten-fold ſuch Exactions, and over rates by them demanded or taken; and that all ſuch Perſons buying and Expending

*What prices ſhall be paid at Ordinaries for Liquors, Diet and Lodging.*

*Horſe-Paſtorage, Hay and Oates.*

*Juſtices to appoint the prices of Liquors twice in the year.*

pending at Ordinaries, who ſhall at any time pay greater rates, then is hereby allowed and ſet down, forfeit and pay for every ſuch Payment, or Obligation for Payment, Five fold the ſum ſo overpaid, and that all thoſe County-courts neglecting to meet and aſſeſs the Rates and Prices as aforeſaid, be fined five thouſand pounds of Tobacco and cask, all which fines ſhall come and belong the one half to the uſe of the County where ſuch Forfeiture is made, the other half to him or them who ſhall inform of, or ſue for the ſame.

# XI.

## *An Act diſpoſing* Amerciaments *upon caſt* Actions.

*Amerciaments upon Actions caſt at Law, repealed.*

WHereas by an Act of Aſſembly made in the year 1674. It was Enacted, that certain Amerciaments, therein ſet down, ſhall be paid upon Actions caſt at Law, and that an account of ſuch Amerciaments be returned to the Aſſembly to be by them diſpoſed of; Be it therefore Enacted by this preſent Grand Aſſembly, and the authority thereof, and it is hereby Enacted, that the ſaid Act be from henceforth Repealed, and that all Tobaccoes which have been received, and are become due by reaſon of the ſaid Act of Aſſembly, and Amerciaments be paid and diſpoſed to the uſe of the Counties, where the ſame became due, towards the Defraying of that Countys-charge, and that the ſeveral Reſpective County-Courts enquire into the ſame, and diſpoſe of them accordingly.

XII. An

# XII.

## An Act concerning Servants who were out in Rebellion, Repealed by his Excellencies Proclamation, Anno 1680.

# XIII.

## An Act for the laying of Parish Levies.

FOr the better and more equal laying of Parish Levies and dues, be it Enacted by the Governour, Council and Burgesses of this Grand *Assembly*, and the authority thereof, and it is hereby Enacted, that the Freeholders and House-keepers, in each RespectiveCounty, shall and may after Publication hereof have Liberty to choose six able discreet House-keepers, or Freeholders to sit with the Vestry, and have their equal Votes, with the other Vestry men at the assessing the Parish Taxes, and where the Parishes shall either refuse or neglect to choose such men, or being chosen they shall not appear and attend the time appointed, by the Vestry for assessing the same, having had Notice thereof by Publication at the Court or Parish Church, the Vestry to proceed without them, and that there be a day nominated and appointed annually in *September*, by the Eldest Justice in Commission in the Parish for such Election as aforesaid, and in case no one Justice shall recide in that Parish, then the day to be Nominated and appointed by the Judge of the Court.

*Six able house-keepers may assist the vestry in the assessing of Parish Taxes.*

## XIV.

### *An Act Repealing the* Act *of* Encouragement *for killing Wolves.*

BE it Enacted by the Governour, Council and Burgesses of this Grand Assembly, and the Authority thereof, that all Acts giving Encouragement for killing of Wolves be Repealed, and that in place thereof, there be Liberty granted to each Respective County to make such By-Laws for Encouragement of killing Wolves, as they shall think fit.

*Particular Counties Authorized to make by-Laws for the killing of Wolves.*

## XV.

### *An Act giving Seven Years time to seat Frontier* Lands.

WHereas by reason of the late Murders Comitted by the Barbarous *Indians*, which they continue daily to commit, and also by reason of the frequent Incursions, and the

the late destractions an d troubles amongst us, very many of the Inhabitants of this Countrey, his Majesties Leige People have been inforced to forsake their Plantations, and leave their Lands uninhabited, especially in the Frontier Counties; Be it therefore Enacted by this present Grand Assembly, and the Authority thereof; and it is hereby Enacted, that all Lands or Tracts of Land forsaken or uninhabited by reason of the Incursions of the *Indians*, and the late troubles and distractions amongst us, shall not lie desart by want of due Seating, and planting such Lands, in less time then seven years from the date of this Act. And that for the time to come, seven years time be allowed from the date of this Act, for the Seating and planting such Lands as are already taken up, and patented in the frontier Counties of this Colony. *Frontier Counties to be planted and inhabited.*

# XVI.

## An Act *Regulating Burgesses* Expences.

WHereas by former Acts and Orders of Assembly, it is provided, Enacted and Ordered, that the Allowance to every respective Burgess for his necessary Expence and charge, attending at Assemblies, be for every day one hundred and Fifty pounds of *Tobacco*, over and besides the necessary charge and expences of his coming to, and returning from the Assembly, and also the inavoidable cost and necessary charges of his waiting Servant and Horses, is complained of as grievous and burthensome to the people: This *Assembly* having taken the same into their serious consideration, Do enact, and Be it enacted by the Governour, Council, and Burgesses of this grand *Assembly*, and the authority thereof, and It is hereby enacted, That for the time to come, the allowance to each and every respe-

ctive

ctive Burgeſs which ſhall attend at any Aſſembly hereafter to be called, be one hundred and twenty pound of *Tobacco* and Cask *per* day; and for ſuch allowance to commence and begin two days before the firſt day of every *Aſſembly*, and two days after, for convenient time for every Burgeſs to return home. *And* to prevent the great charge and abuſe that may accrue by Burgeſſes coming to *Aſſemblies* by Sloops and Boats, Be it enacted by this preſent Grand *Aſſembly*, and the authority thereof, and it is hereby enacted, That over and above the one hundred and twenty pounds of *Tobacco per* day, allowed to each Burgeſs for his expence, there be allowed for the charge of a Sloop, two men to ſail the ſaid Sloop, and their proviſions, for the two Counties of *Northampton* and *Accomack*, ſixty pounds of *Tobacco per* day, and no more; and that the charge of a Boat, two men to row, and their Proviſions, bringing ſuch Burgeſſes as can come none other way but by water, be thirty ſix pounds of *Tobacco per* day, and no more; and that the charge for Horſe-hire for ſuch Burgeſſes as come by land, be ten pounds of *Tobacco per* day, for each Horſe ſo uſed; and that their unavoidable charge, and payments for paſſage by Ferry over the Rivers, in their coming to *Aſſemblies*, & returning home, be alſo allowed them. *And* be it further enacted by this preſent Grand Aſſembly, and the authority thereof; And it is hereby enacted that if emergent occaſion ſhall require that an Aſſembly be called, before there are houſes of entertainment built, that then thoſe Burgeſſes that muſt of neceſſity come by water in ſloopes, have the ſame allowance with the Eaſtern Shore, Burgeſſes and thoſe other Burgeſſes who muſt neceſſitouſly uſe Boats to bring their Proviſions and other neceſſaries, and that for the time to come no expence of Committees be allowed of, or brought to the publick account.

*What Allowance Burgeſſes ſhall have during their attendance at the Grand Aſſembly.*

XVII. An

## XVII.

### *An Act for opening Courts of Judicature.*

WHere as by reaſon of the late horrid Rebellion all Courts of Judicature have been ſhut up, and the rightful and due courſe of Juſtice could not poſſibly be taken and adminiſtred: Be it therefore enacted by this preſent Grand Aſſembly, and the Authority thereof, that from and after the date of this Act, all Courts of Judicature may be opened; and that the Reſpective Juſtices of the ſeveral County-Courts do aſſemble themſelves together, and hold Courts according to the Laws, and according to the uſual manner, and Cuſtom of the Countrey, at the uſual places and days appointed by Law, or by them accuſtomed to be held, that Juſtice may again be freely exerciſed, and done in all caſes where it ſhall be required.

## At a *Grand Aſſembly begun at* Middle-Plantation, October *the Tenth*, Anno 1677.

# I.

## An Act *imposing Fines upon Delinquency* of Grand Juries.

FOr as much as the thirty eighth Act of Assembly in the Printed Laws, directing and commanding that Juries of Inquest be Impanelled and Sworn in every Countie, to the ends and purposes therein mentioned, is by reason there is no Fine set upon the Justices neglecting to appoint and swear the same; Nor upon the Jurors not making due enquiry and Presentment according to the true intent and meaning thereof, become generally neglected and unexecuted; Be it Enacted by the Governour, Council and Burgesses of this Grand Assembly, and the Authority thereof, and it is hereby enacted, That the Justices of Peace of each Countie of *Virginia*, neglecting and omitting once every year before or upon the last day of *April*, to make Choice of and swear a Jury of Inquest, according to the true intent and meaning of the before Recited Law, shall be Fined for every such omission Two Thousand Pounds of *Tobacco*, the one half to the Informer, and the other half to the Counties use; And each Jury of Inquest not making appearance at the time appointed in the Law, or not making Inquest and Presentment according to the intent and meaning thereof, shall be Fined, each Juryman making such default, Two Hundred Pounds of *Tobacco*, the one half of which Fines to be paid to the Informer, and the other half to the use of the Counties for each such default whereof they shall be lawfully Convict.

*Fines laid on Justices of Peace for neglecting to Impanel Grand-Juries.*

II. An

# II.

## An Act Prohibitting private Compositions.

FOr as much as very many Complaints have been made of the unreasonable Compositions made by divers persons for Trespasses done in time of the late Rebellion, for prevention whereof for the future, Be it Enacted by the Governour, Council and Burgesses of this Present Grand Assembly, and the Authority thereof, And it is hereby Enacted that for the time to come, no Composition shall be made with any person whatsoever, for any Horses, Boats Arms, Cattel, Hoggs, Sheep, Goods or any other matter or thing whatsoever, plundered or taken from them in the late Rebellion; But such only as shall be made and acknowledged in open Court, and that each Court be, and are hereby required, to take Cognizance of such Compositions, and see that they are not oppressive; and whatsoever Agreement or Composition shall be otherways made, or any Bill or Obligation taken for such Compositions, to be Null and *Void*; And be it further Enacted by this Present Grand Assembly, and the Authority thereof; And it is hereby Enacted, *That* all such persons who for the time to come, shall bring their Suits; in any Court of Record for any *Trespass* or *Trespasses* Committed in time of the late Rebellion, shall before their Suits shall be admitted ascertain, and prove their whole loss or claim for the *Trespass* done at that time or times for which they shall bring such account, and also give their account upon their Oaths, if the same shall be required, of what Goods have been returned, what recovered by Law, and what Composition they have made for the same or any part

*Compositions Relating to Dammages received in the late Rebellion, to be made and acknowledged in Court or else to be invalid.*

part thereof, to the end it may be known when ſuch claims or ſuits may have end. And for as much as divers ill-diſpoſed perſons do frequently notwitſtanding the Late *Act* of *Aſſembly*, requiring the Countrie not to renew the Quarrels Breaches and Heart-burnings amongſt us, in uſing by-names and terms of diſtinction, *viz. Traytor*-Rebel, Rogue-Rebel, or ſuch like, by which means it will be impoſſible ever to unite this Colony to its former eſtate of love and friendſhip, though wiſhed for, and deſired by all good people, Be it Enacted, by this Preſent Grand *Aſſembly*, and the *Authority* thereof, and it is hereby Enacted, that whoſoever ſhall preſume to uſe any ſuch aggravations or terms of diſtinction as aforeſaid, and ſhall be thereof lawfully convict, ſhall for every ſuch Offence forfeit and pay Four Hundred Pounds of *Tobacco* to the uſe of the Pariſh where ſuch Offence ſhall be committed; and whereas on the other ſide, divers inſolent perſons who have been deeply concerned in the late Rebellion, will and do notwithſtanding their guilt, preſuming upon the gracious pardon granted by his Majeſty, with unſeemly and offenſive Language urge and provoke thoſe who have been Loyal and great ſufferers in thoſe late unhappy times, to utter in their paſſion ſuch words as otherways they would not do, both which being highly eſteemed injurious and prejudicial not only to his Majeſties Peace, but alſo to the deſired Unity of this Colony, Be it therefore Enacted by this Preſent Grand Aſſembly, and the *Authority* thereof, And it is hereby Enacted, that whoſoever ſhall at any time offer ſuch provocation, by any Language to any Loyal Perſon whatſoever, as ſhall by the Court, where the ſame ſhall be complained of, be adjudged a ſufficient provocation for retorting bad language, ſuch perſon uſing ſuch provocations be alſo Fined, and pay Four Hundred Pounds of *Tobacco*, and *Cask* to be diſpoſed of by the *Veſtry*, to the uſe of the Pariſh where ſuch Offence ſhall be Committed.

*Perſons provoking others by aggravations or terms of diſtinction fined four Hundred Pounds of Tobacco.*

III. An

# III.

## An Act *Licencing Trading with* Indians.

*1667*

FOr as much as the total prohibition of Trading with *Indians*, is experimented and found hurtful and prejudicial to this his Majesties Colony, and the Inhabitants thereof, Be it Enacted by the Governour, Council and Burgesses of this Present Grand Assembly, and the Authority thereof, and it is hereby Enacted, that all Indians whatsoever being in amity and friendship with us, from henceforth shall have free and full liberty to come in amongst us, and bring in any Commodities whatsoever to the places, and at the respective times hereafter mentioned, and to Trade with, sell, or Truck for the same, with the *English* resorting thither, but no where else for any Commodities whatsoever; and that such Marts or Fairs continue twenty days, and no longer, that is to say, that the Publick Marts or Fairs for *James* River be the one where the Justices of Peace in *Henrico-County*, being met and set in Court, shall appoint and nominate, and the other for the south-side of *James* River to be at the Isle of *Wight* County-Court-House, the beginning of which Marts or Fairs at the head of *James* River to be the first day of *April*, and the first day of *September*, every year; the beginning of the Marts or Fair for the south-side of *James* River to be the tenth day of *May* and tenth day of *November* yearly; the place for the Mart or Fair in *York-River* to be appointed and set down by the Justices of Peace in *New-Kent* County, being met and sat in Court, the beginning of which Mart or Fair to be yearly the tenth day of *April*, and tenth day of *September*; the place for the Mart or Fair in *Rapphannack* River to be appointed, and set down by the Justices of Peace in *Rapphannack* County being met, and set in Court, the

*Trade permitted with the* Indians.

*At what places and times Marts or Fairs shall be held for Trade with the* Indians.

*How long such Marts or Fairs shall Continue.*

ginning of which Mart or Fair to be yearly the twentieth day of *April*, and twentieth day of *September*; the place for the Mart or Fair in *Potomack-River* to be appointed and ſet down by the Juſtices of Peace in *Stafford-Countie*, being met and ſet in Court, the beginning of which Mart or *Fair*, to be yearly the thirtieth day of *April*, and thirtieth day of *September*; the place for the Mart or Fair in *Accomack-County*, to be appointed and ſet down by the Juſtices of Peace in that County, being met and ſet in Court, the beginning of which Mart or *Fair* to be yearly the tenth day of *March*, and tenth day of *September*; the place for the Mart or *Fair* in *Northampton-Countie*, to be at that Courts appointment alſo, the beginning of which Mart or *Fair*, to be yearly the tenth day of *May* and tenth day of *November*, and if any of thoſe days ſhall happen to fall upon a *Sunday*, then ſuch Mart or *Fair* which ſhall ſo happen to fall upon a *Sunday*, ſhall begin the next day following, and whoſoever ſhall truck trade, or deal with any *Indian* or *Indians* whatſoever, at any other time or place then is herein mentioned and ſet down ſhall forfeit and pay for every ſuch offence, five thouſand Pounds of *Tobacco*, the one half to the Informer, and the other half to the uſe of the Publick; always provided, that the dues belonging to the Right Honourable the Governour be reſerved as formerly; and to the intent, that there may be books kept of what is bought and ſold, Trucked, Traded, & dealt for in ſuch and every the ReſpectiveMarts and *Fairs*, that the Clerk of the County-Court, where ſuch Mart or *Fair* is held, or ſuch other whom the Right Honourable the Governour for the time being ſhall appoint the Clerk thereof, and take account and place the ſame in fair writing in a book, of all what is bought, ſold, Trucked, Exchanged, or dealt for, and for his fee it ſhall be lawful to have, receive and take to himſelf, the one twentieth part of all *Indian* Commodities, there Sold, Trucked; Traded or Dealt for.

*Penalty upon ſuch as ſhall Trade with Indians, at other places or times than is herein ſpecified.*

*Accounts to be taken by the Clerk of the County, or whom elſe the Governour ſhall pleaſe to appoint, of what is bought and ſold in the Marts or Fair aforeſaid.*

Provided always, that it ſhall and may be lawful for any *Indian* wanting Corn, until ſuch reſpective marts or fairs at the ſeveral reſpective places ſhall firſt begin, but not after that time to buy, ſuch *Indian* Corn as they ſhall have need of, from any Perſon, or at any place where they can buy the ſame, any thing in this Act to the contrary notwithſtanding.

Provided alſo, that the *Wiccacommico Indians* living in *Northumberland* County, and the *Chies-Lake-Indians* living in *Glocester* County, to have ſuch Liberty and rules for their

their trading with the English, as shall be set, appointed and allowed them by order and appointment of the respective County-courts in each County, any thing in this Act to the contrary notwithstanding.

Provided also, that it shall not be lawful, or permitted to any *Indian* or *Indians* resorting to or meeting at any those aforesaid marts or fairs, to travel with, or carry Armes, or appear there armed, except only the carrying home such arms and Ammunition as they shall then and there purchase, and shall be found registred in the Clerks Book, for which they shall have with them his Certificate.

*Indians Resorting to the said Marts shall not come armed.*

Provided alwayes, and it is the true intent and meaning of this Act, that no Person or Persons shall be hindred from entertaining any *Indians* in their Houses, who shall have the right Houourable the Governours Licence so to do, according to a former Law in that case provided, any thing in this Law to the contrary notwithstanding.

## IV.

## *An* Act *Imposing Fines on Sheriffs, concealing Tythables.*

BE it enacted by the Governour, Council and Burgesses of this present Grand *Assembly*, and the authority thereof, and it is hereby enacted, that whatsoever Sheriff, Collector or Receiver of the publick or County Levy, shall be found to Levy and receive Tobaccoes, due upon concealed Tythables, and shall not give account to the next County-court thereof, after his such Receipt or Collection of the same, but shall convert or endeavour by such Concealment to convert

convert the ſame to his own uſe, and ſhall be thereof lawfully convict, ſhall be fined and pay the Penalties enjoined in the former Act or Acts of *Aſſembly* for concealed Tythables.

## V.

## An *Act aſcertaining the Price of double Patents.*

FOraſmuch as divers perſons making advantage thereof to themſelves, thereby to ſave the trouble and charge of ſeating new, taken up Dividends of land, do cuſtomarily, add new Tracts of Land to former Patented Dividends: Be it therefore Enacted, by the Governour, Council and Burgeſſes of this preſent Grand Aſſembly, and the Authority thereof, and it is hereby Enacted, that it ſhall and may be lawful in ſuch caſes for Mr. *Secretary* to take as his due Fee ſo many times eighty pounds of *Tobacco*, as there are ſeveral Tracts of land in ſuch Patent; but where ſeveral old Tracts of land fomerly Patented ſhall be drawn into one new Patent, and no new lands not Patented before added thereunto, in ſuch caſes the Fee for ſuch patent ſhall not exceed eighty pounds of *Tobacco*.

## VI.

## An Act *for the Impoſition of Two Shillings on every five hundred pounds of Bulk* Tobacco, *Vide* Act the third, Anno 1680.

VII. An

## VII.

## An Act *for Delivery of Strey-Horses,* &c. *Repealed by his* Excellencies Proclamation, Anno 1680.

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## *VIII.*

## An Act *restraining the impress of Timber,* &c.

FOrasmuch as divers complaints have been made, that it hath been heretofore practical to impress, and take from any mans land, such Timber trees as those who pretended to have such power were pleased to take, to the great hurt and dammage of such persons, Owners of the said land and Timber, from whom the same hath been taken, and contrary to the Right of Inheritance in and to the said Lands and Timber, to the end no such abuses, and Infringment of Properties may for the future be offered and done, be it enacted by the Governour, Council, and Burgesses of this Grand *Assembly*, and the authority thereof: and it is hereby enacted, that no Person or Persons under pretence of any power or Warrant whatsoever, that shall be imployed

*Persons Impowered to Impress Timber, shall first make composition, or agreement with the Owners thereof.*

for the time to come, to procure or impress Timber for publick use, or other purpose, use, or intent whatsoever, shall or may take or impress any Timber from any mans land whatsoever, before he or they so impowered or pretending to be impowered, shall have first made Composition or Agreement with the Owner thereof, for the price of the same, and shall have made ready payment, or given sufficient caution for payment, according to such Composition and Agreement, upon the Penalty of paying for each Timber-tree, so taken without Composition or Agreement as aforesaid, five pounds *Sterlin*, according to a former Law in such like cases, made and provided.

*Two men of the Neighborhood shall value Timber to be impressed for publick Service in case the Owner be unreasonable in his demands.*

Provided alwayes, that if the Owner of such Timber as shall be wanted for publick uses, shall be unreasonable in his setting a price thereon, finding the advantage of the necessity thereof, to be had and taken for publick uses, that in such cases it shall be lawful to procure a Valuation thereof, to be had and taken by two good and honest men, of the Neighbourhood, upon their Corporal Oaths, which prices being paid or secured to be paid, shall in such cases be final and Determinative, and forasmuch as Divers Complaints have also been made to this Assembly, of Divers injuries and abuses which have been lately perpetrated and done by persons imployed to impress necessaries for publick occasions, and also divers complaints have been made, that of late divers persons have presumed to impress Sloopes, Carts, Boats, Horses, *&c.* without lawful power so to do, to rectify and prevent the like abuses for the time to come; Be it further enacted by the Governour, Council, and Burgesses of this Grand Assembly, and the authority thereof; and it is hereby enacted, that from henceforth no person whatsoever shall presume to impress any Sloop, Shallop, Boat, or other Vessel, Horses, Carts, Arms, Provisions goods or Merchandize whatsoever, without sufficient Warrant, and that such Warrant be shewed to such Person, from whom they are about to impress such Sloops, Boats, *&c.* and that whosoever shall by vertue of a Legal Warrant impress any Sloop-Boat, Shallop or Vessel, shall thereby have power to cause two men of the ablest of the Neighbourhood, to view and appraise such Vessel in the best of their Judgment, to the full vallue, and also to ascertain the vallue of the hire thereof, either by the day or by the Month, and that Instruments or Writings be drawn, intimating the vallue, and also the price of the hire by the day, or by the Month,

*Such as shall Impress sloopes, Shallops, Boats Horses, Carts, Arms, Provisions, &c. shall produce their Warrants for so doing, to the Owners thereof.*

*Things Impressed shall be appraised by two men of the Neighborhood.*

Month, of which a Duplicate to be drawn, the one of which to remain with the appraisers, and the other part with the Owner or Owners of such Sloop-Boat, *&c.* and such Owner to bring such Instrument or Writing to the next County-court, where if such Sloop Boat, *&c.* were imprest for the use of that County, then to be paid out of the County Levy, according to the Tenor of the Writing or Instrument, but if the same were impressed for the use of the Publick, then the County-court is to return Certificate of such writing or Instrument, to the next Assembly, where Satisfaction shall be made according to the Tenor of the said writing or Instrument, but if it shall happen that such Sloop Boat, *&c.* shall be cast away, or lost in the Service, that then the Owner of such Sloop Boat, Vessel, Horses, *&c.* shall be at his choice whether he will have the vallue according to appraisement, or the wages ascertained in the writing, which the publick or County must see punctually paid; and if it shall happen that the publick or County shall have occasion to impress Provisions of what Nature or kind soever, the impressor is likewise impowered to cause two men of the ablest of the Neighbourhood, to appraise the same, and return a note, Certifying the quantity and price to the next County-court, where if imprest for the Counties use, to be paid out of the County Levy, and if for the publick use, the County-court to return an account thereof to the next Assembly, where full Satisfaction shall be made according to the appraisement, and if the County or Publick shall impress any man, that he be paid if betwixt the tenth of *September*, and the tenth of *March*, ten pounds of Tobacco *per* day, and if betwixt the tenth of *March* and the tenth of *September*, fifteen pounds of *Tobacco per* day, for the first ten days, and if he shall be continued in such Imployment more then ten days at a time, then for all such time as he shall serve above ten days between *September* and *March*, after the rate of two hundred pounds of *Tobacco per* Month, and betwixt *March* and *September*, after the rate of three hundred pound of *Tobacco per* Month, and if any Horse or Horses be imprest by the publick or County, the Owner or Owners of such Horses, shall receive fifteen pounds of *Tobacco per* day for the first Twenty days, and if he be continued longer then twenty days, then for all the time he shall be imployed over and above the twenty dayes, after the rate of ten pounds of *Tobacco per* day, and before the Impressor shall take such Horse or Horses, impress away, he shall

*And the wages for the hire thereof ascertained.*

*Wages allowed to men, impressed for the County, or publick Service.*

*Rates allowed for Horses impressed.*

ſhall firſt bring two able honeſt men of the Neighbourhood to appraiſe the ſaid Horſe or Horſes, and a writing ſhall be drawn and ſigned, intimating the vallue, and if ſuch Horſe or Horſes be killed in the Service, or otherways loſt, it ſhall be at the choice of the Owner of ſuch Horſe or Horſes, to receive the vallue as appraiſed or the wages for hire, if for the uſe of the County, to be paid by the County, if for the uſe of the publick, to be punctually paid upon returning Certificate from the County-court, as in caſe of Sloops, and in caſe any perſon or perſons ſhall notwithſtanding this Law preſume to impreſs and carry away any Sloop-Boat or other Veſſel, or any Cart, Horſe, Arms, Proviſions or any other matter or thing whatſoever, contrary to the true intent and meaning thereof, ſhall be fined and amerced double the vallue of any ſuch Sloop-Boat, *&c.* Horſes, Arms, Proviſions, or any other matter or thing ſo by him Impreſſed, and taken away to the uſe of the Owner or Owners of ſuch Goods to be recovered by Action of Treſpaſs, in any Court of Judicature in this Colony.

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IX. An

# IX.

## An Act *for setling the Form of Pattents.*

MR. Secretary *Ludwell*, having presented a new *Form* of a Patent, exactly agreeing with the new and late Charter, under the Broad Seal of *England*, in these following words: *To all to whom*, &c. I, &c. send, &c. *Whereas His Most Sacred Majesty hath been graciously pleased by his Royal Letters, Patents, under the Great Seal of* England; *bearing Date at* VVestminster, *the tenth day of* October, *in the twenty eighth year of his Reign, amongst other things in his said Letters, Patents, contained to continue and confirm the Antient Priviledges and Power of granting fifty Acres of Land for every person imported into this his Majesties Colony of* Virginia, *now know ye, that I the said*, &c. *do with the consent of the Council of State, accordingly give and grant unto* A. B. &c. *Be* it Enacted by the Governour, Council and Burgesses of this Grand Assembly, and the Authority thereof, and it is hereby Enacted, That all Patents shall be drawn henceforward in the abovesaid Form and words, to the end they may be firm, sure and valid in Law.

# X.

## An Act ascertaining Coroners-Fees.

FOr as much as some doubts have arisen concerning Coroners-*Fees*, in this Colony, and it being necessary to declare by a Law what the same shall be; Be it therefore Enacted, by the Governour, Council and *Burgesses* of this present Grand Assembly, and the Authority thereof, and it is hereby Enacted, that a *Fee* for a *Coroners-Inquest* be thirteen shillings and four-pence, according to the allowance in *England*, in such Cases, or one hundred thirty three pounds of *Tobacco*, and Cask, at the choice of the Coroners, to be paid out of the Estate of the person Deceased, if such there be, and for want of such Estate by the County where the Party causing the Inquest shall dye, and where there is no Coroner in the County, that the Justice of Peace doing the Office shall have the Fee.

*Thirteen shillings and four-pence or 30 and one hundred three pounds of Tobacco the Coroners Fee.*

*In Counties where there is no Corner, a Justice of Peace shall perform his Office, and receive the Fee aforesaid.*

XI. An

# XI.

## An Act *declaring the year* 1676. *to be out of the Statute of* Limitations.

FOr as much as by reaſon of the late unhappy Rebellion all Judicial Proceedings were impeaded and hindred for the greateſt part of the laſt year, being the year of our Lord, 1676. Be it Enacted by the Governour, Council and Burgeſſes of this Preſent Grand Aſſembly, and the Authority thereof, and it is hereby Enacted, That the year 1676. ſhall not be accounted as one year, included and meant in the Statute of Limitations for Payment or Demand of Debts due by Bill, Bond or Judgment, or in the Clauſe and Proviſo of Patents for Seating of Lands, but that in thoſe and ſuch-like Caſes, the ſaid year of our Lord be paſſed by, and not accounted of for one of thoſe years therein, or thereby meant and mentioned.

# XII.

## An Act for Signing Executions on Judgments in the Assembly.

*Executions on Judgments granted by the Assembly, shall be drawn by the Clerk and signed by the Honourable Governour.*

IT having been proposed in this Assembly, how and by whom Executions issuing upon Judgments granted by the Grand Assembly, shall issue and be signed, Be it Enacted by the Governour, Council and Burgesses of this Present Grand Assembly, and the Authority thereof, and it is hereby Enacted, That all Executions issuing upon Judgments granted by the Grand Assembly, shall be written and drawn by the Clerk of the Assembly, and signed only by the Right Honourable the Governour; his Hononr being the Head of the Grand Assembly.

At

# *At a* Grand Aſſembly *begun at* JAMES *CITY, the* 25*th of* April, Anno 1679.

## I.

## *An Act for the Defence of the Countrey againſt the Incurſions of the* Indian-Enemy.

WHereas this Grand Aſſembly have taken into ſad and ſerious conſideration the ſundry Murders, Rapines, and many Depredations lately committed and done by *Indians* on the Inhabitants of the Countrey, and the great danger the Frontier-Counties are expoſed to by the frequent incurſions of *Indians*; For prevention whereof, and for the future ſecurity of the Country, Be it Enacted by the Governour, Council and Burgeſſes of this preſent Grand Aſſembly, and the Authority thereof, and it is hereby Enacted, That four Houſes for Stores or Garriſons be Erected and Built at the heads of the four great Rivers, *viz.* At the head of *Potomack-River*, at *Niapsco* near *Occoquan*, one ſtore-houſe to be ſtrongly built, and well covered to be ſixty foot long, and Twenty foot broad, and one ſmall houſe of ten-foot ſquare, ſtrongly built for

*Four houſes for Stores and Garriſons ordered to be built at the publick charge*

*Places where.*

*The Dimenſions thereof.*

Ammunition, both which to be built and paid for at the Publick Charge, and that Major *Isaack Allerton*, Collonel *St. Legior Cod*, and Collonel *George Mason*, take upon them to provide the several necessaries hereafter mentioned, for the said work and houses, for which they shall be reimbursed by the Publick in the Respective Counties where they live, that is to say eight thousand eight-penny-nails, five thousand ten-penny-Nails, four thousand Twenty-penny-Nails, four Iron-pots, of about eight gallons each, with Pot-hooks, four Iron-Pestles, two Hair-Cifters course, twelve *Milk-Trays*, six Spades, two Cross-cut-Saws, six VVedges, two broad Axes, six falling Axes, six *Hilling-Hoes*, two drawing knives, two Hand-Saws, one Grindstone, one Froe, two Hammers, six Gimblets, two Augers, one of an inch, one of an inch and half, two Files one Adz, two Frying Pans, two Stock-locks, ten bushels of Salt, and four washing-tubbs. At the head of *Rappahannack-River*, one Store-house or Garrison, with a small House, both of the demensions afore mentioned, and that Major *Lawrence-Smith* do procure the several necessaries above mentioned, for which he shall be allowed by the Publick in *Tobaccoes* in *Glocester-County*, at the rate of Ten Shillings *Per* Hundred with *Cask*. At the head of *Mattapony* at or above the *Indian* Towns, one Store-house or Garrison, with a small house for Ammunition of the demensions aforesaid, and that Captain *Richard Johnson* do procure and provide the several necessaries above mentioned, for which he shall be allowed by the Publick, in *Tobaccoes*, to be paid in *New-Kent-County*, at the rate of ten shillings *per* hundred with Cask. At the head of *James* River on the south-side, above Captain *William Birds*, one Store-house or Garrison, with a small house for Ammunition of like demensions aforesaid, and that Captain *William Bird* do procure and provide the several necessaries before mentioned, for which he shall be paid by the Publick in *Henrico-County*.

*Necessaries to be provided for the said Store-houses, and the persons appointed to procure the same.*

And be it further Enacted, by this Present Grand Assembly, and the Authority thereof, and it is hereby Enacted, That every Forty Tythables within this Colony, be assessed and obleiged to fit, and set forth one able and sufficient man, and horse, with furniture well and compleatly Armed, with a Case of good Pistols, and Carabine or short Gun, and a Sword, together with two pound of Powder, and ten pounds of Leaden Bullet or high Swan Shot; and also that each Respective Forty Tythables do provide and send up to the said Store-

*Every Forty Tythable shall be assessed to fit and set forth one Horse-man well Armed.*

Store-houses, five bushels of shell'd *Indian-Corn*, and two bushels of Meal, eighty pounds of good well salted Pork, or one hundred pounds of good well salted Beef for four Months provision for such man, and his Horse, and so to supply him four months punctually.

*The Provision to be allow'd such Man and his Horse for four Months.*

And be it further Enacted by this Present Grand Assembly, and the Authority thereof, and it is hereby Enacted, that immediately after the Publication of this Law, the several Justices, and *Militia* Officers of each County do Assemble themselves at some convenient place, and consider of, proportion, and divide the Respective Tythables of their County into Fortyes, which Forty Tythables so by them divided and appointed to find a Man, Horse, Arms, Ammunition and Provision as is before expressed, shall either refuse, neglect or be uncapable to fit out such Man and Horse Arms, Provision and Ammunition, in manner aforesaid, that then the Justices and *Militia*-Officers of the said County do, and they are hereby impowered to impress Man and Horse, with Arms, Ammunition and Provision as is beforesaid, and send them to the said Store-house or Garrison, and assess the said Delinquent Tythables the whole Charge thereof, & cause the same to be Levied and paid, where the same shall be Due.

*The Militia-Officers of each County, to Proportion a Division of the Tythables in their said Counties.*

And be it further Enacted by this Present *Grand Assembly*, and the Authority thereof, and it is hereby Enacted, that the Pay of each private Souldier or Trooper for his personal service shall be after the Rate of two hundred pounds of *Tobacco* and *Cask per* Month, and so proportionabley for a greater or lesser time, and for a Horse eighty pounds of *Tobacco* and Cask *Per* Month, and so proportionably for a greater or lesser time; and if after the proportioning the Tythables of each or any County into Forties and less number shall remain, such *Tythables* shall be assessed by the Justices proportionably to the rest, to help to defray the whole Charge.

*Private Soldiers Pay.*

And be it further Enacted by the Authority aforesaid, and it is hereby Enacted, that whensoever it shall happen that any one or more such Soldier or Soldiers so fitted out as aforesaid, shall dye, or become unable or unfit for service, or if such Horse sent to such service as aforesaid, shall happen to dye, be killed lost or disabled for service, or if any Arms so fitted, and sent out shall be lost, broken, spoiled or become unserviceable, and that the Forty *Tythables* to whom they or any of them apperiained, shall be delinquent in fitting and sending out other in their stead, that then in such case the Respective Justices and *Militia*-Officers shall impress

*Horses dying or being killed or disabled in service, the Justices and Militia-Officers may impress others in their Room.*

preſs, and are hereby impowered to impreſs others in their Room; but if ſuch Horſe ſhall dye or be killed in the Country ſervice, and good Certificate be made thereof by the Commander in Chief of the *Garriſon* to which he belonged, to the Aſſembly, or that ſuch Arms as are loſt and broken, were loſt & broken in the ſervice, & not by neglect or fault of the Souldier to whom they belonged; and then ſuch Horſes or Arms ſhall be paid for by the Publick, according to the Certificate of the Chief Commander; but in caſe any Soldier ſhall wilfully or careleſly ſpoil his Horſe, or kill or loſe him, or ſpoil loſe or imbezil his Arms, in ſuch caſe ſuch Souldier ſhall be lyable, & he is hereby made lyable to make full ſatisfaction for the ſame to the ſaid Forty Tythables, who fitted the ſame out.

And be it further Enacted by the Authority thereof, and it is hereby Enacted, that in caſe any Souldier, Horſe or Arms fitted out and ſent by any Reſpective number of Tythables ſhall by the Juſtices and *Militia*-Officers, be judged unfit for ſuch ſervices, that then in ſuch caſe the ſaid Juſtices and *Militia*-Officers do return ſuch man Horſe or Arms, and immediately impreſs others in their Room, and aſſeſs the Pay and Coſt to whom the other belonged, or by whom they were ſent out,

And be it further Enacted by this Preſent Grand Aſſembly, and the Authority thereof, and it is hereby Enacted, that foraſmuch as the preſent neceſſity of the times require able and prudent Commanders, who have both Courage and good conduct, that a Captains Pay be Twelve hundred Pounds of *Tobacco* and *Cask*, *Per* Month, he finding himſelf Horſe, Arms, Proviſion, *&c.* and that one of the Liſted Souldiers which he ſhall make choice of, do wait and attend him, that a Lieutenants pay be 850*l.* of *Tobacco* and Cask *Per* Month the Cornets pay 600*l.* of *Tobacco* and Cask *Per* Month, the Chirurgeons Pay 850*l.* of *Tobacco* and Cask, *Per* Month; each of thoſe Reſpective Officers finding themſelves horſes, arms, ammunition and Proviſion, and if any of the ſaid Officers, ſhall loſe or have any of their horſes killed in the ſervice, that in ſuch caſe ſuch horſes ſo loſt, or killed to be paid for by the Publick.

*A Captains pay to be 1200 l. of Tobacco and Cask per Month.*

*The Lieutenants pay 850 l. of Tobacco and Cask per Month.*

*The Cornets and Chirurgions Pay.*

And be it further Enacted by this Preſent *Grand Aſſembly*, and the *Authority* thereof, and it is hereby Enacted that a box of Medicines be bought or impreſt by the Commander in Chief of each *Garriſon*, to the vallue of five Pounds ſterling, ot thereabouts, not exceeding the ſaid ſum, for the

uſe

use of the *Garrisons*, and the Payment thereof, such Captain drawing a note upon the next Collector of two Shillings *per Hogshead*, to be by him paid and allowed to him in the publick account.

*Corporals and Trumpeters pay.*

And be it further Enacted by the Authority aforesaid, and it is hereby enacted, that a Corporals pay and a Trumpeters pay be fifty pounds of *Tobacco per* Month, over and above a private Souldiers pay, which Overplus pay of fifty *per* Month, together with other Officers pay before mentioned, shall be paid and defrayed by the publick.

And whereas divers Counties who are to send Provisions *&c.* to the Respective *Garrisons*, lye far Remote from the said *Garrisons*, it is hereby Enacted that the Justices and Militia-Officers of such Counties take care to send up their Provisions and ammunition with the best Convenience, and greatest Security, which charge shall be paid for and defrayed by the publick.

*The proportions of men which the several Countyes shall send to the Garrisons.*

*A*nd be it further Enacted by this present Grand *A*ssembly, and the authority thereof, and it is hereby enacted, that the Souldiers to be raised in each Respective County, by vertue of this *Act*, are forthwith with all possible convenience to be raised, and are to Repair to the several *Garrisons*, and to be upon the place on the Twentieth day of *June* next at furthest, and if possible sooner; and that each Respective County send their Proportions of men as is hereafter set down and expressed, *viz. Henrico* County, Northside of *Charles-City* County, *Warrick* County, *Elizabeth-City* County, *James-City* County, together with four Souldiers from *Lower Norfolk* County, four from *Nanzemund*, four from the Isle of *Wight*, three from *Surrey*, and two from the Southside of *Charles-City County*, be sent to the *Garrison* at the head of *James-River*, *New-Kent* County, *York* County, and one 3d. part of *Glocester* County Souldiers be sent to the *Garrison* at the head of *Mattopony*, *Middlesex County*, *Rapahannack County*, and two third parts of *Glocester County*, Souldiers be sent to the *Garrison* at the head of *Rapahannack* River, *Stafford*, *Westmerland*, *Northumberland*, & *Lancaster County Souldiers* to be sent to *Potomack Garrison*, *Lower Norfolk*, *Nanzemund*, Isle of *Wight*, *Surrey*, and the South-side of *Charles City Counties*, Souldiers to be Rangers for the Security of their Respective Counties, according to such Orders and Directions as shall be agreed upon, and made by their Militia-Officers.

And be it further Enacted by this present Grand Assembly, and the Authority thereof, and it is hereby Enacted, that for the ease of publick charge, each Respective Souldier be and he is hereby enjoyned to be Assistant, by all convenient and possible wayes for the securing themselves, and building the Guard House, and Store-house or Houses, that is to say, in falling, malling or doing any other matter or thing requisite or necessary, and also in fencing to make Pasture to secure their Horses, *&c.*

*Each Garrison shall be supplyed with a good Boat and Oars*

And be it also further Enacted by this present Grand Assembly and the Authority thereof, and it is hereby enacted, that each Garrison be supplyed with a good Boat and Oars, such as may be sufficent to pass over at least three or four Horses at a time, and that the Commander in chief of each Respective Garrison be, and he is hereby enabled to procure and bargain for such Boats and Oares, to be accordingly paid for, by the publick upon his Certificate of the price thereof, a Boat and Oares for *Mattapony Garison*, being already promised to be provided by Colonel *John West.*

*Four of the Neighbouring Indians to each Garrison shall attend there.*

And be it further enacted by this present Grand Assembly, and the Authority thereof, and it is hereby enacted, that four of the Neighbouring *Indians* to each *Garrison* shall be commanded by the Commander in chief thereof, to be alwayes attending at each *Garrison*; and because there is no Neighbour *Indians* on *Virginia* side, residing near the *Garison* in *Potomack* River, the Commander in chief of that *Garrison*, is hereby impowered and requested to hire four of the *Matteoman-Indians* in *Mary Land*, for the service of that *Garrison.*

And to avoid all mistakes and harms that may ensue by being unacquainted with our Neighbour and Friendly *Indians*, and to the end we may the better know them from our enemies in our Ranging and Marches, be it enacted by this present Grand Assembly, and the Authority thereof, That all and every *Indian* Town have speedy notice, that if at any time any of them, or any of their Friends that may Repair to their Towns, shall happen to meet with any of our Souldiers ranging in the Woods, or shall come near any of our Plantations or People, in any place or places whatsoever, that they must not fly, hide themselves, or make any Opposition, and that if they do, they may be proceeded against with all manner of Hostility as enemies; but if they shall stand peaceably, and discourse the *English*, and give true account who and what they are, and upon their near

approaches

approaches lay down their Arms, that then they ſhall be civilly treated, and no harm ſhall be done or offered to them.

And foraſmuch as the ſaid *Garriſons* may not be at any time left deſtitute of ſufficient defence againſt any enemy that ſhall or may attempt the ſame; Be it enacted, that ten long Guns or Muskets be provided, with one Barrel of Gunpowder, and leaden ſhot or Bullet, proportionable thereto, for each *Garriſon*, to be kept in the Store-houſe belonging to it, for a Reſerve and Defence for the ſame; and that the charge of ſuch Armes, powder, or bullet, if the ſame cannot be procured from his Majeſties ſtore, be paid for and defrayed by the Publick.

*Ammunition to be kept in the Garriſons for ſtore.*

And to the end that the Eaſtern Shore may not be altogether left without defence againſt the enemy, if any ſhall attempt thereon, or any Suſpition of ſuch attempts ſhall ariſe among the Inhabitants there, be it enacted by this preſent Grand Aſſembly and the Authority thereof, and it is hereby enacted, that the Inhabitants on the Eaſtern Shore may have, and it is hereby declared, that they have the ſame Liberty to make *Garriſons*, and raiſe Souldiers in manner and form as is allowed to the ſeveral Counties on the Weſtern Shoar, or to raiſe or imploy their Souldiers in Ranging, as they find Occaſion.

And be it further enacted, by this preſent Grand Aſſembly and the Authority thereof, and it is hereby Enacted, that the ſeveral Aſſociations on the South-ſide *James*-River ſhall and may, as they ſee Occaſion, erect like Houſes and *Garriſons*, as is at the heads of the other great Rivers towards which they ſhall be equally allowed by the publick, with the other *Garriſons* before mentioned, and ſuch Officers as are imployed in ranging either on the Eaſtern Shore, on the South-ſide of *James*-River, to be paid for the time of their Service by the Publick, equally with other Officers at the *Garriſons*.

And for the better Encouragement and more orderly Government of the Souldiers, that what *Indian*-Priſoners or Plunders ſhall be taken in War, ſhall be free purchaſe to the Souldier taking the ſame; and where any difference ſhall happen among the Souldiers in ſuch or like matters, the ſame to be adjudged, decided, and determined, by their Reſpective chief Commander, and all ſuch Souldiers as ſhall be maimed or diſabled in the Service, have an annual Penſion allowed

*What Indian Priſoners, or plunder the ſoldiers take ſhall be free purchaſe.*

*Souldiers maimed or disabled in Service shall have an Annual pension.*

allowed them by the Publick at the Discretion of the Assembly, and that the Articles of War be published and practiced, as is directed in the Act of Assembly, made in the year 1675.

## II.

## *An* Additional Act *for the better Preventing stealing of* Hogs.

WHereas notwithstanding the former Law against Hog-stealing, the same is dayly practised to the great damage of the Inhabitants of this Countrey, for prevention whereof, Be it enacted by the Governour, Council, and Burgesses of this Grand Assembly, and the Authority thereof, and it is hereby enacted, that this following Addition be made to the former Law, *viz.* That for the first Offence of Hog-stealing, whereof any person shall be convict, the party shall be adjudged according to the said Law, and if any Person having been once Convict of Hog-stealing, shall a second time be convict thereof, then for such his default he shall stand two hours in the Pillory, and have both his ears nailed thereto, and at the Expiration of the said two hours, have his Ears cut loose from the Nailes, which Penalty and Punishment shall be adjudged and inflicted against and upon the Offendor by any County-court in *Virginia*, any Law to the contrary notwithstanding, and whosoever shall be taken a third time stealing of Hogs, that then he be tryed by the Laws of *England*, as in case of Felony.

*Persons the second time convict of stealing Hogs, shall stand in the Pillory with their Ears nailed thereto.*

*And the third time shall be prosecuted as Felons.*

*An*

# III.

## *An Additional and Declaratory Law, Impowering* County-Courts *to make* By-Laws.

VVHereas there is great necessities oftentimes of particular Counties to make By-Laws proper only to themselves, and the former Act of Assembly to that purpose being too general, and consequently not so easy to be put in practice: Be it therefore Enacted by the Governour, Council, and Burgess of this Grand Assembly, and the Authority thereof, and it is hereby Enacted, that for the future two men be made choice of, in each Parish by the Major Votes of the Freeholders and Housekeepers in the said Parish; At such time and place as by the County-courts shall be appointed, which two so chosen as aforesaid shall be Returned by the Church Wardens, and shall sit in the several County-Courts, and have their equal Votes with the several Justices for the making of By-Laws, and where the County shall consist of one Parish only, there four men shall be chosen, and Returned in manner as aforesaid, and shall have equal Votes with the several Justices for the making By-Laws, and all such By-Laws so made, shall be firm and binding to the Inhabitants of such County any Law usuage or Custom to the contrary notwithstanding, and for as much as divers great Parishes have in

*Two men shall be chosen in each Parish by the Freeholders and House-keepers, to sit with the Justices in County-Courts, for making of By-Laws.*

*Inhabitants of the County shall obey the By-Laws thereof.*

them ſeveral Chappels of eaſe, Be it therefore Enacted by this Preſent Grand Aſſembly, and the authority thereof, and it is hereby Enacted, that the Inhabitants within the Precincts of every ſuch Chappel of eaſe, may elect one Repreſentative for every ſuch Chappel, to ſit and vote with the Juſtices, in making ſuch By-Laws as aforeſaid, the time and place for ſuch Election to be alſo appointed by the County-courts.

# IV.

## An Act *declaring how far* Accounts *are Pleadable against* Dead Mens Eſtates.

WHereas the 95th Act of Aſſembly in the Printed Laws making no Accounts pleadable againſt Dead Mens Eſtates, is found too ſevere, and that many Executors and Adminiſtrators of Dead mens Wills and Eſtates, have had and taken too great an advantage thereby, to the Defrauding and great Prejudice of many Creditors to ſuch Eſtates, for prevention whereof for the time to come, and to the end all juſt debts may be recovered againſt the Debtors Eſtate: Be it Enacted by the Governour, Council and Burgeſſes of this Grand Aſſembly, and the authority thereof, and it is hereby enacted, that from henceforward all accounts brought againſt a Dead Mans Eſtate for any Debt made and Contracted within one year before the Parties Death, but no longer ſhall be pleadable, and recoverable againſt

gainst the Debtors estate, and for no longer time, without prescription, if the party in Debt shall after contracting such Debt, remove or abscond himself from the County where he lived, at contracting the same. Provided always, that all such accounts and claims as shall be brought against a dead mans estate, be fairly proved in Court by the Oath of the Creditor, and one Witness more, and that the party claiming and Suing for such Debt do himself appear, and in open Court make Oath upon the Holy *Evangelist*, that the same is really due, without any discount to be made, or Credit to be given that he knows of.

*No Debts pleadable against dead mens Estates, but such as were contracted within one year before their decease.*

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# V.

## An Act *Repealing the 129th Act of Assembly, in the Printed Book.*

WHereas the 129th *Act* of *Assembly* in the Printed Book of Laws, enjoyning the Inhabitants on *Potomack River*, and on the eastern shore, not to make delivery of their *Tobaccoes* by them sold or paid away without certificate from the collector, that the impost is paid thereof to him under the Penalty of Twenty Shillings for every Hogshead, by them suffered to be taken out of their Possession, is found grievous to the said Inhabitants, all other the Inhabitants of *Virginia*, being at their Liberty to sell,

ſell, and deliver their own *Tobaccoes* to the beſt advantage, Be it enacted by this preſent Grand Aſſembly, and the authority thereof, and it is hereby enacted, that the ſaid 129th Act of Aſſembly be and from henceforth ſtand Repealed, and that the Inhabitants on *Potomack River*, and on the Eaſtern Shore have like and equal Liberty and Priviledge with the reſt his Majeſties Subjects in this Colony, to ſell, diſpoſe, pay, and make Delivery of their *Tobacco* to their beſt advantage and Convenience.

*The Act Prohibiting the Inhabitants on Potomach River, and on the Eſtern Shoar to Ship their Tobaccoes without Certificate Repealed*

## VI.

## An Act *Aſcertaining Collectors Fees for entry and clearing Ships*, &c.

WHereas ſeveral Complaints have been made, to this preſent Grand Aſſembly, that ſeveral Collectors in this Colony have exacted, and taken great and unreaſonable Fees, for entring and clearing Ships and ſmaller Veſſels, trading into this Countrey, which if permitted and continued, might prove prejudicial to trade; for prevention whereof for the future, Be it enacted by this preſent Grand Aſſembly, and the Authority thereof, and it is hereby enacted, that from hence forward, no Collector

Collector or Collectors ſhall or may demand or take otherFees for entring and clearing of any Ship or Veſſel coming into this countrey, then by this Law is aſcertained and allowed to be taken, that is to ſay, for every Ship or ſmaller veſſel, Burthen twenty Tuns or under, fifteen Shillings and no more; and for every Ship and other veſſel burthen above Twenty Tuns, thirty Shillings and no more; which Sums ſhall be in full Payment of his Fees, for entring, clearing, Licence to Trade, and for taking ſuch Bonds as are by Law enjoyned to be given and taken at the entring and clearing of Ships and other veſſels Trading hither.

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## VII.

## An Act *for Securing* Orphans Eſtates.

WHereas the 66th Act of Aſſembly in the Printed Book Relating to Orphans Eſtates, is found too ſhort and deficient, and that by the neglect of the Courts in taking Security upon granting Orders for Adminiſtrations, great Prejudices have enſued and may enſue; For the better prevention thereof for the future, Be it Enacted, by this preſent Grand Aſſembly, and the Authority thereof, and it is hereby enacted, That before

any order for Administrations shall be granted to issue forth from the Office, so as Letters of Administration shall or may thereupon pass, and be signed by the Justices, as by the Laws is directed and enjoyned, good security shall be taken for the Parties due Administration according to Law.

*Administrators of Orphans Estates shall give good security.*

And be it further Enacted, by this Present Grand Assembly, and the Authority thereof, and it is hereby Enacted, that all Justices sitting in Court, whensoever Administrations are sued for and granted, and shall upon granting Order or Orders of Administration, neglect to make order for security as is before enjoyned to be taken, shall thereby, and for such their neglect become lyable to make good such Estate in case the same shall be imbezelled by such Administrators. And it is also further Enacted, that all Justices of the Peace, stand enjoyned, and are hereby required before they sign Letters of Administration, to demand Certificate from the Clerk, that security is given according to Law, and duly entred upon Record, to the end all Orphans, *&c.* may be secured in their Estates, and the Justices safe, in the due execution of their Office and Places.

## VIII.

## An Act *prohibiting the Importation of Tobaccoes into this Colony.*

FOr as much as the Importation of *Tobaccoes* into this Colony from *Carolina*, and other Parts without the Capes, hath been found very prejudicial to this Country, and the In-

Inhabitants thereof; for prevention of like mischief, and inconvenience for the future, Be it Enacted by the Governour, Council and Burgesses of this Present Grand *Assembly*, and the *Authority* thereof, and it is hereby Enacted, that from and after the tenth day of *October* next after this present Sessions, no *Tobaccoes* packt in Cask or otherways, shall be brought from without the Capes of *Virginia* into this Colony, either in Boat, Sloop, or other Vessel whatsoever, to be Landed on shoar, sold or Shipped off in any Ship or other Vessel riding in this Colony, except only by such persons as shall make it appear, that they are Inhabitants of *Lower-Norfolk-County*, and that the Tobaccoes by them brought round the Capes, is of the growth of the said County, upon Penalty of Forfeiting all such Tobaccoes so brought into this Colony, contrary to the intent and meaning of this *Act*; one half of such Tobaccoes so forfeited to be to the use of the Kings Majesty, and the other half to be equally divided between the Informer and the Countrey.

Provided alwayes that it shall be lawful for any Merchant or other person inhabiting in this Country to fetch from *Carolina* commonly called the South, and bring hither all such Tobaccoes as are already due to him before the making this Law.

Provided also that such Merchant, or other Inhabitant of this Country, as shall pretend to have *Tobaccoes* due there, and expects liberty of importing the same into this Country, do within three months next after the Publication of this *Act*, repair to the Court in the County where he lives, and there make Oath upon the Holy Evangelists, what sums of *Tobacco* is due to him there, and that the same was due to him before the Publication of this Act, and cause the same to be entered upon Record, and further that such Merchant or other person residing in this Country, and having *Tobaccoes* due to him in *Carolina*, and claiming the benefit of this Law, to import the same into this Colony, shall and do immediately, and before he shall unload the same, either out of Boat, Sloop or other Vessel, bringing the same into this Country, repair to the next or nearest Collector of the impost of two Shillings *Per* Hogshead, and make entry with him of all such *Tobaccoes* as he shall bring in; and do also make Oath upon the Holy Evangelists before such Collector or other Magistrate whom he shall appoint, that such *Tobaccoes* so brought in, is such part of what *Tobaccoes* was due to him in Forreign Parts, before the making this *Act*, the total where-

whereof he hath already signified to the County-Court where he resides, according to the Injunctions of the Law.

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IX.

## An Act forbidding Mary-Land-Vessels Trading into this Countrey, without making Due Entry.

WHereas by several Laws which long have been and now are of force in *Mary-Land*, all Ships, Sloops, Boats or other Vessels, belonging to *Virgnia*, are enforced to make Entry with the Respective Collector, before they can be permitted to make delivery of any Goods, or take on Board any *Tobaccoes* to import hither, and consequently to pay considerable sums of money to such Officer for such Entry, though the Goods or Concern thither carried be of very small vallue, which severity this Assembly having taken into consideration, do adjudg it very unneighbourly; Be it therefore Enacted, by the Governour, Council and Burgesses of this Present *Grand* Assembly, and the Authority thereof, and it is hereby Enacted, that no Ship, Sloop, Boat or other Vessel belonging to any the Inhabitants of *Mary-land*, or coming from thence, shall from henceforth be permitted to bring in any manner of Goods or Commodities of what vallue soever, into any of the Rivers or Parts of this Government, and unload the same either on Board any other Vessel, or on shoar, without first making due Entry thereof,

thereof with the Collector of these Precincts, under the Penalty of forfeiting such Sloop, Boat, *&c.* or other Vessel, together with such Goods and Merchandizes as shall be so unloaden as aforesaid, the one half to the Informer, and the other half to the use of the Countey where the seizure is made, and the several Collectors are hereby earnestly required and enjoyned to take particular care in this matter, and this Law to stand in force, until the *Mary-Landers* shall repeal their severe Law before Nominated.

*No Vessel belonging to the Inhabitants of* Mary-Land, *shall unload in any Port of* Virginia *without Entry first made upon Penalty of forfeiture of the said Vessel and Cargo.*

## At a General Assembly begun at JAMES CITY the eighth day of June, Anno 1680.

### I.

### An Act of free and general Pardon, Indemnity and Oblivion.

THe Kings Most Excellent Majesty, having taken into serious and gracious consideration, the present state and condition of his Colony of *Virginia*, and reflecting on the late Rebelion raised there by *Nathaniel Bacon* Junior Deceased, his Complices and Abettors, and how many of his good Subjects were drawn into the same, and seduced from their Allegiance by the specious pretences set forth by the said *Nathaniel Bacon*, who have since by their dutiful behaviour shewed themselves sensible thereof, and repenting for the same, and to the intent, that no Crime whatsoever committed against his said Majesty and Government, may hereafter

after rise in Judgment, or be brought in question against any of them, to their least endammagement, either in Lives, Liberties, Estates, or to the prejudice of their Reputations by any reproach, or term of distinction, and to turn all seeds of future discord and the remembrances thereof into utter oblivion, as well in his Majesties own Breast, as in the breast of his Majesties Subjects one towards another, and out of an earnest desire to put an end to all suits, quarrels and controversies whatsoever, that by occasion of the said Rebellion, and late distractions, have arisen and may arise, between any of his Majesties Subjects, and in pursuance of his Majesties gracious Proclamation of Pardon, bearing date the twenty seventh day of *October*, 1676. and in the twenty eighth year of his Reign, is graciously pleased that it may be Enacted, and be it Enacted by the Kings most Excellent Majesty, by and with the consent of the General Assembly, that all manner of Treasons, Misprision of Treasons, Murders, Felonies, Crimes and Misdemenours committed, acted, councelled or done by any persons whatsoever, upon or at any time, before the sixteenth day of *January*, 1676. in the twenty eighth year of his Majesties Reign, other then the persons hereafter excepted, in such manner as they are excepted, by virtue or colour of any Command, Power, Authority, Warrant, Commission or Instructions from Sir *William Birkley* late Governour of *Virginia*, Deceased, or of or from any peson deriving, or pretending to derive mediately or immediately, any Commission, Power or Authority from the Grand Assembly in *Virginia*, held in *June*, 1676. or of or from *Nathaniel Bacon* Deceased, assuming unto himself the Authority of, or Reputed to be Commander in chief of all the Forces in *Virginia*, by Land or Sea, or from any other person or persons deriving or pretending to derive any *Authority* from them or either of them, be Pardoned, Released, Discharged and put in utter Oblivion, and that as firmly and fully to all intents and purposes, as if they or every of them, had been herein particularly named and expressed.

*Free and general Pardon for the Accomplices in* Bacons Rebellion.

And be it further Enacted by the *Authority* aforesaid, that all and every such person and persons, their and every of their Heirs, Executors and Administrators (except as hereafter excepted) that were actually engaged in Aiding, Acting or Advising, Assisting, Abetting or Councelling the said Rebellon, shall have and enjoy all and every their Lands, Tenements, Hereditaments, Goods and Chattels whatsoever forfeited to his Majesty, his Heirs and Successors for any

of

of the Crimes aforesaid, in the same manner, and as freely to all intents and purposes, as if they had not been forfeited, yet so that they and every of them and their Estates Real and personal shall be subject and lyable to pay all and singular their just Debts in the same manner as if they had committed no Rebellion, Crimes or Offences, except and always foreprized out of this Act, the above-named *Nathaniel Bacon* Junior, the principle contriver, beginner and maintainer of the said Rebellion, who having taken up Arms under pretence of an *Indian* War, assumed unto himself the Title of General, and did afterwards chace away the then Governour, there rob, kill, and continue to destroy several other of his Majesties Loyal Subjects, that refused to take the detestable Oaths imposed by the said *Bacon*, until it pleased the Almighty to send him the said *Bacon* an infamous and exemplary death, whereby he hath escaped the punishment in this world so justly due to his person; Be it therefore Enacted, and it is hereby Enacted by the Authority aforesaid, that the said *Nathaniel Bacon* Junior, shall be by vertue of this Act, and is hereby adjudged to be convicted, and attainted of High-Treason to all intents and purposes as if he had been convict or attainted thereof by due course of Law, in his life time, and that all the Estate Real and Personal whereof he was seized or possessed upon the fifth day of *June*, 1676. or at any time after, within the Colony of *Virginia*, shall be forfeited to the Kings Majesty, his Heirs and Successors, and is hereby declared to be vested in His Majesty, his Heirs and Successors, without any Office or Inquisition thereof, to be hereafter taken or found.

Nathaniel Bacon *Junior Attainted of High-Treason.*

Provided always, and be it Enacted, that this Act nor any thing therein contained, shall extend to Pardon discharge, or give any other benefit whatsoever, unto *Giles Bland*, *Anthony Arnold*, *Richard Turner*, *Richard Pomfrey*, *John Isles*, *Robert Stokes*, *John Whitson*, and *William Scarbrough*, alias *Scarburgh*, who were all legally Convicted Attainted and Executed for their Horrid Treasons, and Rebellions, or to *Richard Lawrence* who fired *James City* and is since fled notwithstanding his Majesties gracious Proclamation, but that the persons last aforesaid, and their Estates are out of this Act, wholly excepted and foreprized, Provided also and it is hereby Enacted by the Authority aforesaid, that if *Joseph Ingram*, *Gregory Walklate*, *Thomas Whaley*, *John Forth*, and *John Longolon*, shall at any time after the passing

*Persons excluded from the benefit of the Act of Indemnity.*

sing this Act, accept or exercise any Office or Publick employment whatsoever, within the said Colony of *Virginia*, that then such of them as do so accept or exercise as aforesaid, shall to all intents and purposes, stand as if he or they had been totally excepted by name out of this Act. And whereas many of his Majesties Loyal Subjects cannot but be very great sufferers by the Spoiles and Rapines committed during the late Rebellion, to the intent that they may have as much Relief therein, as may possibly stand with the quiet of the Country, as also for the avoiding and determining the endless Suits and Prosecutions which must necessarily ensue, if care be not taken to prevent the same; It is hereby further Enacted by the Authority aforesaid, that as to any wrong or injury which hath been committed by any person or persons at any time between the first day of *May* and the sixteenth day of *January*, 1676. whereby the Goods or Commodities of any his Majesties Subjects in *Virginia*, have been destroyed or spoiled, or have been impaired or made worse and for which no Judgment hath been actually obtained, before the 25th day of *April* 1679. on the one and thirtieth year of his Majesties Reign no account, suit, Process or satisfaction be at any time hereafter required, prosecuted, made or given for the same, from or against any person or persons whatsoever.

*Provision made for Relief of such as were sufferers by the late Rebellion.*

Provided always, that where the Goods of any of his Majesties Subjects not actually engaged in the said Rebellion, or being aiding or assisting to the same, have been wrongfully taken away between the said first day of *May*, and the said sixteenth day of *January*, and shall be found in the possession of any other person or persons, it shall and may be lawful, for the Owner or Owners of such Goods or Commodities, his or their Executors or Administrators, to take, sue for, and recover the same by all legal means, any thing in this Act contained, or any other Laws, Acts or Statutes to the contrary notwithstanding.

Provided always, that no further Punishment, Satisfaction or Damages, shall be Recovered or Inflicted on any Christian Servants that have deserted their Masters, or been active in the late Rebellion; then that time incurring between the said first day of *May*, and the said sixteenth day of *January*, shall be accounted no part of their time of Service: And be it further Enacted by the authority aforesaid, that no Verdict, Judgment and Indictment, Informations, Decrees, Sentences, Probats of Wills, Administrations,

ſtrations, Writs, or Actings on, or return of Writs, Orders, or other Proceedings whatſoever in Law and Equity, had, made, given, taken, or done, or depending in any Courts whatſoever, or before any Judges within the ſaid Colony of *Virginia*, nor any Actings, Proceſs, Proceedings or Executions thereupon had, made, given, done, or ſuffered, before the paſſing of this Act, within our ſaid Colony, ſhall be avoided, for or by Reaſon that the Premiſſes or any of them were commenced, proſecuted, had, made, held or done, by or before any Perſon, pretending and aſſuming the Name Title, Authority, and Dignity of Governour of the ſaid Colony, though he were not legally ſo, or before any Perſon or Perſons, pretending and aſſuming the name Title, and Authority of Councellors in the ſaid Colony, though not legally ſo, but that all and every ſuch Verdicts, Judgments, and other things above mentioned, and the actings, doings, and Proceedings thereupon, ſhall be of ſuch and of no other Force, Effect, and vallue, then as if ſuch Perſon ſo Aſſuming the name Title, Authority and Dignity of Governour, had been legally Commiſſioned by his Majeſty thereunto, and as if ſuch Perſon or Perſons pretending the name, Title, and authority of Councellor there, had been legally authorized thereunto. And whereas during the Licentiouſneſs of the late times, ſeveral ill diſpoſed Perſons took upon them to aſperſe the Government, and defame the Governour and chief Magiſtrates of the ſaid Colony, raiſing falſe and Scandalous Reports, without which our good Subjects there could not have been ſo eaſily led away, which cannot but tend to the future Diſturbance of the Peace, and Welfare thereof, if not timely prevented by Inflicting Puniſhments proportionate to the greatneſs of the Crime; Be it therefore enacted by the authority aforeſaid, that whoſoever ſhall after the paſſing of this Act, maliciouſly and adviſedly by writing, ſpeaking, or otherwiſe, expreſs, publiſh, utter or declare, any Words, Sentences, or other thing or things, to incite or ſtir up the People to the diſlike of any Perſon appointed by his Majeſty to be Governour or Commander in chief of the ſaid Colony, or tending to the diſhonour or defaming of the ſaid Governour or Commander in chief, for the time being, and being thereof legally convicted, ſhall be impriſoned during one year without Bail or Mainprize, and incur ſuch Forfeitures as ſhall be adjudged, not exceeding the ſum of five hundred pounds

*Any Perſon who ſhall either by words or writing defame the Governour, ſhall ſuffer a years Impriſonment without Bail, &c.*

pounds to the Kings most Excellent Majesty, his Heirs and Sucessors. And it is in like manner Enacted, that whosoever shall maliciously and advisedly, by writing, speaking, or otherwise, express, publish, utter and declare, any words, Sentences, or other things, to incite or stir up the People to the dislike of his Majesties Councellors, Judges, or other principal Officers within the said Colony, tending to the dishonour or defaming of the said Councellors, Judges, or other principal Officers, and being thereof Lawfully convicted, shall be imprisoned during three Months, without Baile or Mainprize, and incur such Forfeiture as shall be adjudged, not exceeding the sum of one hundred pounds, to the Kings most Excellent Majesty, his Heirs and Successors, any Act or Acts, Order or Orders, to the contrary in any wise notwithstanding.

II. An

# II.

## An Act for Naturalization.

WHereas nothing can contribute more to the speedy setling and peopling of this his Majesties Colony of *Virginia*, then that all possible encouragement should be given to persons of different Nations, to Transport themselves hither with their Families and Stocks, for to settle, plant, or Reside, by investing them with all the Rights and Priviledges of any of his Majesties natural Free-born Subjects, within the said Colony; Be it therefore Enacted by the Kings most Excellent Majesty, by and with the consent of the General Assembly, and it is hereby Enacted by the authority aforesaid, that it shall and may be lawful for the Governour or Commander in chief, for the time being, or any of his Successors, Governours of this Colony, by a publick Instrument under the broad Seal thereof, to declare any Alien or Aliens, Forreigner or Forreigners being already setled, or Inhabitants of this his Majesties Colony, or such as shall hereafter come for to settle, plant, or reside in it, and having taken the Oath of Alleigance, before the Governour or commander in chief, for the time being, to be to all intents and purposes, fully and

*The Governor may naturalize such Forreigners as shall seat themselves in this Colony.*

and compleatly naturalized; and the ſaid Perſons ſo approved of and named in the ſaid Letters Pattents as aforeſaid, ſhall by vertue of this Act have and enjoy to them and their Heirs the ſame Immunities and Rights, of and unto the Laws and Priviledges of this Colony, and as fully and amply as any other of his Majeſties Natural born Subjects have or enjoy within the ſame, as if they themſelves had been born within any of his Majeſties Realms or Dominions; any former Law, Act, Ordinance, uſuage, or cuſtom to the contrary in any wiſe notwithſtanding. And to the intent the ſaid Letters Patent and inſtrument under the Broad Seal of this Colony as aforeſaid, may be obtained without any great difficulty or charge, be it further enacted, that the Governour or Commander in chief, ſhall have and receive for the ſame forty Shillings, and his Clerk for writing of it, ten Shillings, and no more; and whereas ſeveral Aliens and Forreigners that have formerly tranſported themſelves to this his Majeſties Colony, and have taken up and Patented in their own Name, ſeveral Parcels of Land, or otherwiſe made purchaſe of Lands, Houſes, Tenements or other real intereſt, and have afterwards ſold the ſame to ſome of his Majeſties Leige People, or Inhabitants of this Colony; It is therefore hereby Enacted and Ordained, by the authority aforeſaid, that all ſuch perſon or perſons, that ſhall have ſo bought of any Alien or Aliens, any Lands, Houſes, or Tenements, be ſecured, and by vertue of this preſent Act for ever confirmed in the quiet and peaceable Poſſeſſion of the ſaid Purchaſes, unto them and their Heirs for ever, any former Law, Uſuage, or Cuſtom, to the contrary in any wiſe notwithſtanding.

Provided that nothing in this Act contained, ſhall be conſtrued to enable or give power or Priviledge to any Forreigner to do or execute any matter or thing, which by any of the Acts made in *England*, concerning his Majeſties Plantations he is diſabled to do or execute.

III.

## An Act for raising a Publick Revenue for the better Support of the Government, of this his Majesties Colony of Virginia.

WHereas there is a great and continual charge Required for the Maintenance of the Governour, and several other Officers and Persons, as also for the Fort and Fortifications, besides many other contingent expences, absolutely necessary for the Support of the Government of this Colony; Be it therefore enacted, and it is hereby enacted by the Kings most Excellent Majesty, by and with the consent of the General Assembly, that for every Hogshead of *Tobacco*, that shall at any time hereafter be exported out of this Colony, by Land or water, to any other place whatsoever, there shall be paid by the Exporter two Shillings of currant money of *England*, as also for every five hundred pounds of *Tobacco* exported in Bulk or otherwise, and so proportionable for a greater or lesser quantity, the same to be to the Kings most Excellent Majesty,

*Two Shillings to be paid for every Hogshead of Tobacco exported.*

Majesty, his Heirs and Successors for ever, to and for the better Support of the Government, of this his Majesties Colony of *Virginia*, in such manner as is herein before exprest, and to and for no other use, intent, and purpose whatsoever. And be it further Enacted by the Authority aforesaid, that all Ships or Vessels whatsoever, coming to this Colony, or any part thereof, shall Respectively pay for every Tun, such Ships or vessel shall contain, one half pound of good and new Gunpowder, and three pounds of Leaden Shot, or one Shilling three pence Sterling in lieu thereof, as also Sixpence *per Poll* for every person imported, not being actually a Marriner in pay, the same to be also to the Kings most Excellent Majesty, his Heirs and Successors for ever, for the better support of the Government of this his Majesties Colony of *Virginia*, in such manner as is herein before expressed, and to and for no other use, intent, or purpose whatsoever.

*All Ships or Vessels whatever coming to this Colony shall pay ½ al. of Powder and 3 l. of Shot, or 1s. 3d. money, in Lieu thereof.*

*Sixpence per Poll payable for all Persons imported, Mariners excepted.*

And for the better discovery and preventing of Frauds, Be it further Enacted by the Authority aforesaid, that the Master of every Ship or Vessel, shall deliver his Boatswains Book to the perusal of the Respective Collectors, and make Oath of the truth thereof, to the best of his knowledg, and that the Mate, Boatswain, Seamen, or other persons be also sworn if there be cause, for the discovery of the truth of the fraight; and if any Master shall wittingly or willingly conceal any part of his Freight, or make false entry of the burthen of his Ship or Vessel, or number of persons imported as aforesaid, that then the said Master shall forfeit for every such Offence the sum of One Hundred Pounds Sterling, as also the treble duties for every Hogshead, or five hundred pounds of *Tobacco*, and for every Tun concealed; one Moitie to the Informer, and the other Moitie to the Kings most Excellent Majesty, his Heirs and Successors, to and for the uses above mentioned, and to be recovered by action of Debt, Bill or Plaint, by virtue of this Act, against which no assoin, wager of Law, or protection to be allowed to any person so offending.

And it is hereby further Enacted by the Authority aforesaid, that the Respective master of every Ship and Vessel, shall enter into a Bond of Twenty Pounds Sterling to the Kings most Excellent Majesty, his Heirs and Successors, for the payment of the Duties of so many Hogsheads, or five hundred pounds of *Tobacco* as shall upon due Certificate appear to be entred in the Custom-house in *England*, more than

than shall be entered and paid to the Respective Collectors, and other Officers in *Virginia*, unless the said Collectors and Officers be fully satisfied of the true number of Hogsheads and Freight of the said Ships and Vessels; the said Bond to be made without any Fee, and to be void to all intents, as if never made, if not put in suit, upon due Certificate to be procured by the Respective Collectors from the Custom-house in *England* within one year from the making thereof, which said Collectors and other Officers are hereby required to use their utmost diligence in the due execution of this Act, and shall be allowed their usual salleries, or such other as by the Governour or Commander in Chief for the time being, with the advice of the Council, shall be adjudged necessary for Collecting the said imposition; which said Governour or Commander in Chief, for the time being, is also hereby further Authorized and impowered from time to time with the advice of the Council as is before specified, to give such reasonable allowances, and encouragement, as shall be adjudged fitting, not exceeding ten *per Centum*, to such Masters of Ships or other persons, as shall give in true accounts, and advance and pay down the above mentioned dutys either in money or good and sufficient Bills of Exchange, to the satisfaction of the Respective Collectors.

Provided always, and it is hereby Enacted and declared by the Authority aforesaid, that the Act of Assembly in the Printed Book, Intituled, Imposition of two shillings *per* Hogshead, made at a Grand Assembly held at *James City* the 23d of March 1661. also one other Act, Intituled, An Act for the imposition of two shillings *per* Hogshead, made at *James City* the second of *December*, 1662. also one *Act* in the Printed Book, Intituled, Castle-duties to be paid, made at a Grand *Assembly* holden at *James City* the 23d of *March*, 1661. and all other former *Acts* for the raising or levying of two shillings *per* Hogshead Impost upon *Tobaccoes* exported out of this his Majesties Colony of *Virginia*, or for raising or levying, Castle Duties, Tunnage, or head-money be and are hereby by vertue of this *Act* fully Repealed and made void to all intents and purposes, any thing in this *Act*, or any other Law, Statute, Custom, Usuage, or instructions whatsoever to the contrary notwithstanding.

Provided also, and it is hereby Enacted, and declared by the Authority aforesaid, that the Priviledges of *Virginia-Owners* of Ships, expressed and set down in the CXXXIIII. Act

Act, in the Printed Book (Intituled *Priviledge of Virginia-Owners*) made at *James City* the 23d of *March*, 1661. and one Act made at *James-City* the 20th. of *October*, 1669. (Intituled, *An Act for freeing Virginia-Owners from Castle-Duties*) shall be, and are hereby meant and intended to be in full force, power and virtue, to the benefit, use and priviledge of all and every such Owner or Owners, any thing in this Act, or any other Act, Law, Statute, Custom, usuage or Instructions whatsoever, to the contrary notwithstanding.

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## IV.

## An Act *for continuation of the several Fortifications and Garrisons, at the heads of the four great Rivers.*

WHereas the number of Soldiers at the several Garrisons apointed by Act of Assembly made at *James-City*, the 25th day of *April*, 1679. is found too chargeable for the great poverty of the Inhabitants of this Countrey, and longer to lye under, and nevertheless, the holding up any maintaining the said Garrisons, and Fortifications against the incursions of the *Indian*-Enemy is deemed of absolute necessity; Be it therefore Enacted and it is hereby

Enacted by the Kings most Excellent Majesty, by and with the consent of the General Assembly, that the clause in the said Law, appointing Forty Tithables, to set forth one Souldier, be from henceforth wholly repealed and made void, and that the said Garrisons and Fortifications be continued, and that from henceforward, the number of Soldiers at each Garrison, over and besides the Commander in chief thereof, be twenty in number, out of which number, two Corporals to be chosen by each Respective Commander in chief, and that such twenty Souldiers for each Garrison as aforesaid, be appointed and chosen, as also their Horses, Arms and Furniture, out of those who are now there, or ought to be there, by each Respective Commander proportionally out of the several Counties to which they appertain, and that for a supply of the said twenty Souldiers, Horses, Arms or Furniture so made choice of as aforesaid, and happening to dye, or any ways become disabled by sickness or otherwaies, that then such dificiency upon notice given by the Commander in chief to the Justices, or first in Commission of such County-Court, to which County such Souldier or Souldiers, *&c.* shall belong, shall forthwith be supplied according as the aforesaid Act of Assembly made the 25th of *April*, 1679. directs, and it is further Enacted by the Authority aforesaid, that each Officer and Souldiers pay shall be and continue, as is set down in the said recited Act of Assembly, which charge shall be borne and allowed by the Publick, and for the lessening the charge heretofore brought for transporting provisions, and the better and more sure providing the same; Be it Enacted by the Authority aforesaid, that each Souldier be allowed such Proportions of Corn and Meat, as is set down in the before recited Law, and that Collonel *William Bird* as undertaker in this Present Assembly, do forthwith begin, and all along continue from four months to four months, to provide and furnish the provision and Corn for the Garrisons and Souldiers at the head of *James River*, and deliver the same so convenient to the Garrisons, as that the same may be conveniently secured and fetcht in by the Souldiers thereof, without further charge to the Country.

*Each Garrison to have twenty Souldiers, besides the chief Commander.*

*Persons intrusted to make Provision for the Souldiers belonging to the Garisons*

*Their Allowance.*

For which Provisions he the said Colonel *William Bird* shall be paid and allowed by the publick, after the rate of two Thousand pounds of *Tobacco* and *Cask per Annum*, for each Souldier at the said Fort; and that Captain *John Langhorn*,

*horn* as Undertaker in this present Grand Assembly, make like Provisions and delivery thereof, for *York* River Fort, and have like pay from the publick, and that *Robert Beverly* as Undertaker in this present Grand Assembly, make like Provisions and Delivery thereof, for *Rapahannack* River Fort, and have like pay from the publick, and that the Rules in the former Law be observed for providing Provisions for *Potomack* Fort, and because by Reason of the Poverty of this Countrey, the number of Souldiers appointed for each *Garrison* at the Countreys charge, is so few, and that in all likelyhood there may be found emergent Occasion to Reinforce each *Garrison* with one or more Souldiers; his Excellency is humbly Requested as he shall see cause from time to time to place in each *Garrison* such Number of his Majesties Foot-souldiers now in the Countrey, as from time to time shall be thought fit and needful; and for such Souldiers so placed, their Allowance of Provisions shall be from time to time, made and provided at the Countrys charges, as is proportioned and allowed for the other, all such Souldiers being furnished and supplyed with his Majesties Arms and Ammunition, and provided with their own Bedding to be carryed to such *Garrison* at the charge of the countrey, and to the end such Provisions as aforesaid may be always ready and at hand, it is hereby Enacted, by the Authority aforesaid, that every Undertaker hereby and herein in this Act nominated do for the first four Months and for every other succeeding four Months, provide and lay in for each *Garrison* five Months proportionable Allowance, and also from time to time, furnish such other quantities proportionable, and for each such Supernumerary Souldier as shall be sent according to the time such Souldiers shall be continued there, and as the said Undertakers shall from time to time receive Notice thereof, and Direction for the same from each Respective Commander, in chief for such *Garrison* as he hath Undertaken for, and for such Provisions he shall be paid by the publick, according to the Rates before mentioned.

*Five Months Provisions in each Garrison.*

Provided always, and his Excellency is desired if he see cause, to draw off ten of the Souldiers from each *Garrison*, for the ease of the Country, supplying the same with ten of his Majesties Souldiers at each *Garrison*, and such ten to have the Horses, Arms, and Furniture of those that shall be withdrawn.

*V.* An

# V.

## *An* Act *for Cohabitation, and Encouragement of Trade and Manufacture.*

THis present General Assembly having taken into their serious consideration the great necessity, usefulness, and advantages of Cohabitation in this his Majesties Colony of *Virginia*, and observing and foreseeing the great extremities his Majesties Subjects here; must necessarily fall under by the present and continued Lowness of the price of *Tobacco*, the only Commodity and Manufacture of this Countrey, if the same be not by all prudential wayes and means prevented; and considering that the building of Store-houses for the reception of all Merchandizes, imported, and receiving, Securing, and laying ready all *Tobaccoes*, for exportation and for *Sales*, and disposal of all Goods, *Merchandizes*, and *Tobaccos* imported or exported into or fr[illegible] this his Majesties Colony of *Virginia*, will be one gr[illegible] means of advancement thereof, do pray your Majesty that it may be Enacted, and be it Enacted by the Kings most Excellent Majestie, by and with the Consent of the General Assembly, and it is hereby Enacted by the Au-

Authority aforesaid, that thereby within two Months next and imediatly after publication hereof in every respective County within this his Majesties Colony, fifty Acres of Land purchased by the Feoffees of the several Counties at the rates herafter set down, and measured about, laid out and appointed for a Town for Store-houses, &c. for such Countyas is hereafter set down, and Expressed; that is to say,

*Fifty Acres of Land in each County shall be set apart to Erect Store-houses upon, for the use of the said County.*

In *Henrico* County at *Verina*, where the Court-house is.

In *Charles-City* County at *Flower-de-hundred* over against *Swynyards*.

In *Surry* County at *Smiths Fort*.

In *James-City* County at *James-City*.

*Places in each County where the said Store-houses shall be built.*

In *Isle of Wight* County at *Pates-field* at the parting of *Pagan Creek*.

In *Nanzemund* County at Collonel *Dues* Point, alias *Huffs-point*.

In *Warwick* County at the mouth of *Deep Creek* on Mr. *Mathew's* Land.

In *Elizabeth-City* County, on the West-side *Hampton* River, on Mr. *Thomas Jarvis* his Plantation where he now lives.

In Lower *Norfolk* County on *Nicholas Wise* his Land on the Eastern Branch of *Elizabeth* River, on the Entrance of the Branch.

In *York* County on Mrs. *Redds* Land where the Shipp *Honours* Store was, including the Low Beach for Landing Wharfes, *&c.* and the Old field where *Webber* dwelt for Cohabitation.

In new *Kent* County at the Brick-house along the high Land in the old field from Marsh to Marsh.

In *Glocester* County at *Tindalls* Point, on *Tindalls* Creek side, on *John Williams* his Land.

In *Middlesex* County on the West-side of *Ralph Wormleys* Esquire, his Creek, against the Plantation where he now lives.

In *Rappahannack* County at *Hobbs* his hole.

In *Stafford* County at *Peace point* at the mouth of *Aquia* on the North-side.

In *Westmorland* County at *Noming* on the Land of Mr. *William Hardridge*.

In *Accomack* County at *Colverts Neck* on the North-west-side, at the head of *Anancock Creek*.

In *Northampton* County at the North-side of *Kings Creek*, beginning at the mouth, and so along the Creek, on the Land belonging to Mr. Secretarys Office.

In *Lancaster* County on the North-side *Corotomen* River, against the place where the Ships ride, on a point of Land belonging to Mr. *Edward Carter*, about a quarter of a mile up the Creek which divides Mr. *Thomas Chewnings* and the Court-house.

In *Northumberland* County at *Chickacony*.

*What price the County shall pay for the said fifty Acres of Land.*

And Be it forther Enacted by the Authority aforesaid, and it is hereby Enacted, That the price to be paid by each County, for each respective Fifty Acres of Land, nominated as aforesaid, shall be ten thousand pounds of *Tobacco* and Cask, which summ the Owner or Owners thereof, shall be and are hereby constrained to accept, take, and receive, as a full and valluable price and consideration for the said Land for ever; and for which he shall pass and acknowledge an authentique Deed in Law to such person or persons, his or their heirs and assignes for ever, as shall be nominated by the Justices of the County-court, as Feoffees in trust, and to and for the use of the County. And for Encouragement of all and every such person and persons as will build a dwelling House, and a Warehouse thereupon, every such person and persons shall have assigned him or them, by the Justice or Justices of the County Feoffee or Feoffers in the Deed named, or in case of the Death or absence of one or more of them, then by such other as shall be appointed by the Court, one half Acre of the said Land in Fee-simple, he paying to the County one hundred pounds of *Tobacco* and Cask, and building such Dweling-house, and Ware-house thereupon, as by this Act is enjoyned: and in case any person shall desire more then one half Acre, that then there be assigned him one half Acre more in manner aforesaid, he building thereupon one other Dwelling-house and one Ware-house, and paying the County one hundred pounds of *Tabacco* and *Cask* for the same. And it is hereby further Enacted, that every such person or persons as shall desire and purchase such Lands as aforesaid, and shall not begin to build thereupon within three Months after such purchase, and so continue to the finishing such building as by this Act is enjoyned, shall forfeit all such *Tobaccos* and Land, the same to revert to the County, so as to be Sold and assigned to any other person or persons de-

*Encouragement to such as will build a Dwelling house on the aforesaid Land.*

siring

ſiring the ſame on the prices & Conditions aforeſaid. And it is hereby further Enacted that the Surveyor or Surveyors appointed to lay out the ſaid fifty Acres in the ſeveral appointed places, be paid and allowed by the Publique according to Act of Aſſembly; and that every Surveyor for Laying out every Dividual half Acre, and giving a Plot thereof, ſhall be paid by him that ſhall imploy him twenty pounds of *Tobacco* and *Cask*, and no more. And ſuch Surveyor as upon timely notice given him ſhall refuſe to ſurvey and lay out the ſame, or ſhall demand more then what is herein allowed, upon due proof thereof made, ſhall pay to the party agrieved five hundred pounds of *Tobacco*, to be recovered by Action of Debt in any Court of *Judicature*. And be it further Enacted by the Authority aforeſaid, and it is hereby Enacted, that all *Tobaccoes* whatſoever which ſhall be made within this his Majeſties Country from and after the firſt day of *January* next enſuing, and all other Goods and *Merchandizes* whatſoever, of the growth of this Colony to be Exported, ſhall be brought to the ſaid appointed places, where all ſuch *Tobaccoe* and all Goods and *Merchandizes* whatſoever of the growth or production of this Colony, are to be bought, ſold, Shipt off and freighted; and whoſoever ſhall preſume to Buy, Sell, freight or Ship off any *Tobacco* or other Goods and *Merchandizes* aforeſaid, next after the time aforeſaid, before the ſame is brought to ſuch appointed places, upon due proof thereof made, ſhall forfeit, and loſe all ſuch *Tobacco*, or other *Merchandizes* whatſoever, one half to his Majeſtie, and the other half to the informer, any Law, Uſage, or Cuſtom to the Contrary notwithſtanding. And all Goods, Wares, *Engliſh* Servants, *Negroes*, and other Slaves and *Merchandizes* whatſoever, that ſhall be imported into this Colony, from or after the 29th Day of *September* which ſhall be in the year 1681. ſhall be landed and laid on ſhoar, bought, and Sold, at ſuch appointed places as aforeſaid, and at no other place whatſoever, under like penalty and forfeiture thereof.

*Surveyors of the ſaid Land ſhall be paid by the Publick: Their Allowance.*

*All* Tobaccoes *and other Goods and* Merchandizes *whatever of the growth of this Colony, to be exported ſhall be brought to the places aforeſaid.*

*Goods Imported ſhall be Landed and ſold there.*

Provided alwayes that it ſhall and may be Lawfull, for any perſon whatſoever, to have liberty to buy and Sell between themſelves any Horſes, Mares, Cattle, Sheep Corne, *Engliſh* graine, or any other manner of proviſions whatſoever; and alſo liberty to carry Hides to the *Tanners*, where the *Tan*-houſes are, any thing in this

*Horſes, Cattle* Engliſh *graine &c. and other Proviſions, excepted.*

this Act to the contrary notwithstanding. And to prevent Exactions that may be used by Sloop-men who must necessarily be imployed to bring the said *Tobaccoes* to the said appointed places, and for the Owners of Ware-houses for Storage thereof, it is hereby Enacted, that the Owner of the *Tobacco* bringing the same to the Waterside, where it is to be taken on Board, shall pay for Sloop-hire no more then Twenty Pounds of *Tobacco* and *Cask* for each Hogshead, if the said *Tobaccoes* be within thirty miles of the said Ware-house, to which it is to be brought, and at what distance soever further, forty pounds of *Tobacco* and *Cask* for each Hogshead, and no more upon penalty of forfeiting one hundred pounds of *Tobacco* and *Cask* for each Hogshead, by him who shall demand, receive or take more, to the use of the Party grieved; and for Storage of any Hogshead of *Tobacco* in any Ware-house, the Owner thereof shall pay to the Ware-house-keeper ten pounds of *Tobacco* for the first day, or for a Month, and for every month after six pounds of *Tobacco* and no more.

*Prices appointed for sloop-hire from the said Ware-houses.*

And whereas there are several persons who are so Remote from *Landings* proper for taking their *Tobaccoes* on Board the Soops or Boats for Transporting the same to the appointed places, It is therefore hereby further Enacted, that in case any Person or Persons, Owners of such Lands, which shall be convenient to build a house upon, convenient for securing such *Tobaccoes*, until the same can be shipped, shall refuse to build such house for securing such *Tobaccoes* as aforesaid, that in sucb cases liberty be granted, and liberty is hereby granted to any person or persons whatsoever, for so much Land as he or they may conveniently build such fitting house upon, for securing such *Tobaccoes*, as shall be brought thicher in order to transporting the same, to the Ware-houses appointed by this Act, he or they who shall desire the same and build thereon according as by this Law is intended, paying to the Owner thereof, such Price and Prices as are set down and ordered to be paid in the Act of Assembly, providing for Lands, for Churches and Mills, and that there be allowed free liberty of ingress and egress to and from such house or houses, not committing any Trespass, & for encouragement of all that shall Transport their *Tobaccoes* to the appointed places mentioned in this Act, it is also hereby Enacted, that no Execution, Attachment or other Process in Law, shall be executed or laid upon

*Tobaccoes during their Transporting unto, and whilst they are continued*

on any the said *Tobaccoes* in the time of the Transportation thereof, to the said appointed places, or in the Ware-houses for any Debt, contracted before the passing this Act, the party that removes or transports such *Tobaccoes* having first made Oath before a Magistrate, that he is really and *Bona fide* Transporting the same to one of the said Ware-houses, and for encouragement of Carpenters, Sawyers, Brickmakers, Briclayers, Labourers, and all other Tradesmen whatsoever, that will cohabit, dwell, and exercise their Trades within the said appointed places, or any of them, it is hereby enacted by the Authority aforesaid, that all such persons so inhabiting, shall within the limits and bounds of the several respective places be wholly free from any arrest of their persons, or seizure of their Estates, for such Debts as were formerly contracted for, and during the term of five years to come next after the publication of this Law, not barring the Creditor or Creditors to sue for, and recover their Debts when the time of five years is expired, any Law, Custome, or Usage to the contrary notwithstanding.

*in the houses aforesaid are exempt from any Execution or Attachment for Debts contracted before the making this Act.*

And it is hereby further Enacted, that all such Tradesmen, and Labourers cohabiting in the places aforesaid, & not planting tending or making *Tobacco*, shall be free and acquit from paying any Publick Levy during the term of five years from the Publication of this Act.

*Tradesmen who will dwell in the places aforesaid shall be freed from the payment of former Debts of five years.*

Provided always, and it is hereby meant and intended to be meant, that all such Debts as shall accrew by any bargain or contract made or to be made, within the limits of the said appointed places, or any one of them, immediate Process may be granted thereon any thing in this Law to the contrary notwithstanding, and for the more sure reserving all such *Tobaccoes*, as shall be brought to the aforesaid Stores or Ware-houses, to the use and advantage of the Owners thereof, it is hereby further Enacted by the Authority aforesaid, that no Collector or Collectors of *Levy* or Parish-Tiths shall make distress or seizure of any *Tobaccoes* in such places for publick County, or Parish-*Levies* or for Sheriffs or Clerks-Fees, but that all Sheriffs and Publick Collectors shall be and hereby are enjoyned to Collect, and receive the *Tobaccoes* Due in their Collections as heretofore was usual and the Publick or other Creditor to receive the same accordingly.

*Such persons not Planting Tobacco shall also be freed from the paymen of publick Levyes for 5. years.*

*No Collector shall make seizure of any Tobaccoes while in such places for publick, County, or Parish Levies.*

And be it further Enacted by the Authority aforesaid, and it is hereby Enacted, that for the better adnavcement

of the Price of Tobacco, and lessening of Freight that no Merchant, Facture, or Adventurer whatsoever, arriving with any Goods, VVares, Servants, Slaves or other Merchandize whatsoever, into this Colony shall presume to buy, Ship off, or Freight any Tobacco whatsoever, from any of the before appointed places at any time or times before the twentieth day of *March*, 1681. by which time it may be presumed and believed all *Tobaccoes* whatsoever, which shall be made in this Colony, may be brought to the said appointed places, under the Penalty of forfeiting and losing all such Goods, VVares, *&c.* and all *Tobaccoes* so purchased one half to his Majesty, and the other half to him or them that shall or will inform or sue for the same, any Law, Usage or Custom to the contrary in any wise notwithstanding.

Provided always, and it is hereby meant and intended, that this Restriction shall continue two years from the said twentieth of *March* and no longer.

*Persons dwelling within the said appointed places have liberty to sell their Tobacco at any time.*

Provided always that notwithstanding any thing in this Act contained, any Inhabitant dwelling within the said appointed places, have liberty to sell such Goods and Merchandizes as they have of their own at any time.

*Where two or more Counties lye conveniently one such Warehouse may serve in Common.*

Provided also, and it is hereby Enacted, that if two or more Counties lying convenient to each other, shall within the two months before recited agree together on one common place and Town for each their Counties, and lay out the ground for the same in Common betwixt and amongst them, and there build houses as by this Act is enjoyned that then such one Town so agreed on, appointed, laid out, and built upon, shall serve and be sufficient for such two or more Counties, any thing in this Law to the contray notwithstanding, and it is hereby further Enacted, that all Magistrates take due care to see this Act be strictly observed and put in Execution.

VI. An

# VI.

## *An Act Ascertaining Attorneys Fees.*

WHereas all Courts in this Countrey are many times hindred and troubled in their Judicial proceedings, by the impertinent discourses of many busy and ignorant men who will pretend to assist their Friend in his business, and to clear the matter more plainly to the court, although never desired or Requested thereunto, by the person whom they pretend to assist, and many times to the Destruction of his cause, and great trouble and hinderance of the court, for prevention whereof for the future, Be it enacted by the Kings most Excellent Majesty, by and with the consent of the General Assembly: And it is hereby enacted by the authority aforesaid, that no Person or Persons whatsoever, shall practise as an Attorney, or appear to plead in the General court, or any County-court in this countrey, but such as shall be first Licenced by his Excellency, or Successors thereunto, and that any one that shall presume to plead in the General court, or any County or other Court, without such Licence first obtained, and had; shall forfeit for every such Offence committed in the County-court six hundred pounds of *Tobacco*, and in the general court 2000 pounds of *Tobacco*, the one half to our Soveraign Lord the King, his Heirs and Successors, and the other half to the Informer, to be Recovered by Action of Debt, Bill, Plaint, or Information in the said court or

*No Person not licenced by the Governor shall plead as an Attorney in the General or County-Courts*

*The Penalty.*

or courts where such Offence shall be committed, and be it further enacted by the authority aforesaid, that no Attorney or Attorneys so Licenced as aforesaid, take, demand or receive from any persons for any cause in the general court, and bringing the same to Judgment, more then five hundred pounds of *Tobacco* and *Cask*, and for any cause in the County-court, and bringing the same there to Judgement, more then one hundred and fifty pounds of *Tobacco* and *Cask*: and it is hereby declared and enacted, that every Attorney or Attorneys shall have for every cause he undertakes in the general court, five hundred pounds of *Tobacco* and *Cask*, and for every cause he undertakes in the County-court, one hundred and fifty pounds of *Tobacco* and *Cask*, which he may Lawfully claim without any Preagreement made with the parties for the same, and be it further Enacted by the Authority aforesaid, and it is hereby Enacted, that all such Attorney or Attorneys that shall refuse to plead any cause in the general court for the aforesaid ascertained Fee, of five hundred pounds of *Tobacco* and *Cask*, shall forfeit and pay to the person grieved, five hundred pounds of *Tobacco* and *Cask*, after Legal conviction on due proof thereof made to be Recovered by due Process of Law, and upon Refusal of any cause in the *County-Court*, shall pay to the party grieved one hundred and fifty pounds of *Tobacco* and *Cask*, after legal conviction as aforesaid, to be Recovered by due process of Law.

*Five hundred pound of Tobacco the Attorney Fee for pleading a Cause in the General Court and 150 for every cause in County-courts.*

*Fine laid on Attorneys Refusing to plead for the Fee aforesaid.*

Provided always, that this Act or any clause therein shall not extend to debar any man that is capable of pleading and managing his own cause in any the said general or County-courts, but that he may be permitted and allowed to plead and manage his own business, any thing in this Act to the contrary notwithstanding.

*Any Person may notwithstanding plead his own cause.*

VII. An

# VII.

## *An Act Ascertaining the time when* Negro-*Children shall be Tythable.*

WHereas it is deemed too hard and severe, that children as well Christian as Slaves, imported into this Colony, should be lyable to Taxes, before they are capable of working. Be it Enacted by the Kings most Excellent Majesty, by and with the consent of the General Assembly, and it is hereby Enacted by the Authority aforesaid, that all *Negro* Children imported or to be imported into this Colony, shall within three months after the publication of this Law, or after their arrival be brought to the County-Court, where their Age shall be adjudged of by the Judges holding Court, and put upon Record, which said *Negro* or other Slave so brought to Court Adjudged and Recorded, shall not be accounted Tythable, until he attains the age of twelve years, any former Law, Usuage or Custom to the contrary notwithstanding.

*Negro Children imported shall not be accounted Tythable till 12 years of Age.*

And be it further enacted by the Authority aforesaid, and it is hereby enacted, that no Christian Servants imported into

*And Christian Servants Imported, not till they are 14.*

to this Country, shall be Tythable before they attain to the age of fourteen years, any former Law, Usage, or Custom to the contrary notwithstanding.

# VIII.

## An Act *Licensing a Free Trade with* Indians.

1680

BE it enacted by the Kings most excellent Majesty, by and with the consent of the General Assembly, that all former Acts of Assembly Restraining, Limiting and Forbidding Trading with *Indians*, be and stand hereby Repealed, and they are hereby Repealed; and that henceforth there be a free and open Trade, for all persons at all times and places with our friendly *Indians*; and that this Act continue in force, until the end of the next Sessions of Assembly.

*The time this Act shall continue in force.*

IX. An

# IX.

## An Act *ascertaining Allowance for Cask.*

BE it enacted by the Kings most excellent Majesty, and with the consent of the General Assembly, and it is hereby Enacted, that from and after the Publication of this Law, the allowance of Cask for Publick County and Parish-Levys, and for Clerks and Sheriffs Fees, be eight *per Cent.* and no more; and that all Sheriffs or other Collectors of the same shall allow the Planter or others, eight *per Cent.* for his Cask, as aforesaid, upon Penalty of paying for refusing so to do, one hundred pounds of *Tobacco* to the Party grieved, and to whom he shall deny such allowance, and

*Allowance of Cask for Publick, and County Levys &c. shall be eight* per Cent. *and no more.*

on due proof thereof made, to be recovered by action of Debt in any Court of Record, or before one ſingle Juſtice of the Peace, if the ſame exceed not Two Hundred Pounds of *Tobacco*.

## X

## An Act *for preventing* Negroes *Inſurrection*.

WHereas the frequent meeting of conſiderable numbers of *Negro*-Slaves under pretence of Feaſts and Burials, is judged and deemed of dangerous conſequence, for prevention whereof for the future; Be it enacted by the Kings moſt excellent Majeſty, by and with the conſent of the General Aſſembly, and it is hereby enacted by the Authority aforeſaid, that from and after the Publication of this Law, it ſhall not be lawful for any *Negro* or other Slave to carry or arm himſelf with any Club, Staff, Gun,

Gun, Sword or any other Weapon of Defence, or offence nor to go or depart from off his Masters Ground, without a Certificate from his Master, Mistress, or Overseer And such permission not to be granted but upon particular and necessary occasions, and every *Negro* or Slave so offending, not having Certificate as aforesaid, shall be sent to the next Constable, who is hereby enjoyned and required to give the said *Negro* twenty lashes on the bare back well laid on, and so sent home to his said Master, Mistress or Overseer; and it is further enacted by the Authority aforesaid, That if any *Negro* or other Slave, shall presume to lift up his hand in opposition against any Christian, shall for every such Offence upon due proof made thereof by the Oath of the Party before a Magistrate, have and receive thirty lashes on the bare back well layed on. And it is hereby further enacted by the Authority aforesaid, that if any Negroe or other Slave shall absent himself from his masters service, and lye hid and lurking in obscure places, committing injuries to the Inhabitants, & shall resist any person or persons that shall by any lawful authority be imploied to apprehend & take the said *Negroe* that then in case of such resistance, it shall be lawful for such person or persons to kill the said *Negroe* or Slave, so lying out and resisting; and that this Law be once every six months published at the Respective County-Courts and Parish Churches within this Colony.

*Negroes shall not go armed nor depart from off their masters ground without Certificate.*

*Resistance of Negroes or any other slaves punished.*

*Fugitive-Negroes resistiug such as are imployed to apprehend them may be killed.*

## XI.

## An Act *for Presentation and Delivery of Grievances.*

FOr as much as it hath been the frequent practice of ill disposed and seditious persons, to deliver to their Burgesses, and they to the Assembly, scandalous and seditious



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ous Papers, and to intitle or call them the Grievances of ſuch Countie or Counties wherein they dwell, neither giving or preſenting the ſame in lawfull manner, nor in truth being known to any other of his Majeſties good Subjects, of ſuch County whoſe Title they bear; Be it enacted by the Kings moſt excellent Majeſty, by and with the conſent of the General Aſſembly, and it is hereby enacted by the Authority aforeſaid, that the Sheriffs of each County ſhall before every Seſſion of Aſſembly, appoint a time and place for preſenting, giving and receiving all County-Grievances, which ſhall be ſigned by the Parties giving the ſame, and atteſted by the Clerk of the *County-Court.* or Chief Magiſtrate, ſo to be; and all other private Propoſitions or particular Ag-grievance ſhall be ſigned by the Party delivering the ſame, or not to be received into the Aſſembly.

*Sheriffs of each County ſhall before every Seſſions of Aſſembly appoint a time and place for receiving Preſentments of Grievances. Such Preſentments ſhall be ſigned.*

# XII.

## An Act *prohibiting the exportation of* Raw-Hides *and* Deer-Skins.

BE it enacted by the Kings moſt excellent Majeſty, by and with the conſent of the General Aſſembly, and it is hereby enacted, that from and after Publication of this Act, it ſhall not be lawful for any perſon or perſons whatſoever to export out of this his Majeſties Colony of *Virginia*, any Untanned-Hides or Deer-Skins, upon the Penalty of paying

paying for every Raw-Hide or Deer-Skin, one hundred Pounds of *Tobacco* and Cask, that ſhall be found on Board any Ship, Boat, Sloop or other Veſſel, in order to ſuch Exportation, over and beſides the forfeiture of all ſuch Raw-Hides or Deer-Skins ſo found in exportation; the one half to his Majeſty, his Heirs and Succeſſors, and the other half to him that ſhall make Information thereof; And all Collectors of the two ſhillings *per* Hogſhead, and penny *per* Pound Cuſtomes, are hereby required and enjoyned on every Information and Suſpition of ſuch exportation, to make diligent ſearch and ſeizure accordingly.

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## XIII.

## *An Act Prohibiting Unlawful Diſturbances of Divine Service.*

BE it enacted by the Kings moſt Excellent Majeſty, by and with the conſent of the General Aſſembly, and it is hereby enacted by the Authority aforeſaid, That whoſo-

*Any Person that shall disturb the Minister, during the Exercise of his Ministerial Function, shall for the first Offence be fined* 200l. *of* Tobacco, *and* 500 *for every such Offence after.*

whosoever from and after the publication of this Act, shall appear in any Church or Chappel within this his Maiesties Colony, whilst the Minister is exercising his Ministerial Function, and shall disturb him by Words or any other manner of means whatsoever, or shall there appear in any unseemly or undecent Gesture, any Justice, Sheriff, or other Officers then present shall put such person or persons so offending under Restraint during Divine Service, who shall also for the first Offence be fined two hundred pounds of *Tobacco* and *Cask*. And for every such Offence as shall be by them or any of them committed after in the like Quallity, shall be fined five hundred pounds of like *Tobacco* and *Cask*, for every such Offence; which Fines shall be Levyed by the Sheriff upon the Estate of the person or persons so offending by vertue of a Warrant from a Justice of the peace; and such Justice of the peace that shall refuse or neglect to put this Law into severe Execution, shall be fined five hundred pounds of *Tobacco* and *Cask*, to the use of the Parish for every such neglect.

## XIV.

### *An Act Reviving, and Reinforcing an Act made at* JAMES-CITY, *the* 20th. *of* October, 1665. *and putting the same in Due Execution.*

BE it enacted by the Kings most Excellent Majesty, by and with the consent of the General Assembly, and it is hereby Enacted by the Authority aforesaid, that the eighth Act of Assembly made at *JAMES-CITY*, the 20th. of *October*, 1665. Intituled, *An Act concerning Indians:* Be and hereby is Revived and Re-inforced, to the end the same be put in due and Effectual Execution.

## XV.

### *An Act for the well clearing the Heads of the Rivers and Creeks, from Loggs and Trees, for the more safe Passage of Sloops and Boats.*

WHereas the Neglect of clearing the Heads and others parts of Rivers and Creeks, from Loggs, Trees, Roots of Trees, and other Rubbish, hath

*Justices of the County Courts shall annually appoint the Surveyors of the Rivers and Creeks to clear the same from all trees, Loggs, Rubbish, &c.*

occasioned and endangered the loss of several Sloopes, Boats, *Tobaccoes*, and Merchandizing Goods, in Carriage thereof, to and from the Ships; for the better prevention thereof for the future; Be it Enacted by the Kings most Excellent Majesty, by and with the consent of the General Assembly, and it is hereby Enacted by the Authority aforesaid, That from and after the Publication of this Law, the Respective Justices of the several County-Courts, do annually in *June* or *July*-Courts appoint and order the Surveyors for the Rivers to clear all, and all manner of Loggs, Trees, Roots of Trees, and other Rubbish, as may any ways hurt and endanger any Sloop, Boat, or other Vessel, from out of the Respective Rivers, or Creeks heads, or parts of any River or Rivers, Creek or Creeks, within their County, and limited bounds, as Surveyors; which said clearing and Removeal of all Loggs, Trees, Roots of Trees, and other Rubbish, shall be as aforesaid annually performed, according to the true intent and meaning of this Act, under such pains and penalties for every Delinquent and Offender, as are set down in 97th Act of Assembly, in the Printed Book; Intituled, *Surveyors for High-ways*: And if any shall presume to fall Trees into the Rivers or Creeks, and not clear the same, the Offendor shall be fined five hundred pounds of *Tobacco* the first Offence, to the use of the County: And for the second, one Thousand pounds of *Tobacco* to the use aforesaid.

*Such as shall fall Trees into the Rivers and not clear away the same, fined 500 l. of Tobacco.*

## XVI.

## *Additional Fees Ascertained to* County-Court Clerks.

BE it enacted by the Kings most Excellent Majesty, by and with the consent of the General Assembly, and it is hereby enacted, that Those Additional Fees

Fees hereafter ſet down, over and beſides the fees nominated in the Printed Book, be demanded and taken by County-court Clerks, as juſt fees, and none other, *viz.*

| | *l. Tobacco.* |
|---|---|
| For writing a pair of Indentures, if amongſt the parties, as they can agree; if bound by the Court. | 40. |
| For a Bond. | 10. |
| For a Retraxit. | 4. |
| For filing, endorſing, Bill, Accompt, Petition or ſuch like. | 3. |
| For all Anſwers to Petitions, if writ by themſelves | 10. |
| If not writ by them, and ſo for a Petition. | 5. |
| For a Warrant by command of Court or Juſtice. | 10. |
| For a Chancery Bill, if written in the way of other uſual Petitions, and exceed not one ſide of a whole Sheet of Paper. | 20. |
| If more, every ſuch ſide | 10. |
| Recording the Pannel of a Jury, and their Oath | 10. |
| Returning and Recording Executions. | 10. |
| Returning and Recording Attachments. | 5. |
| Recording the Acknowledgment for Satisfaction of a Judgment. | 10. |
| For taking Inventories of Eſtates, at Appraiſement, and outcryes, if the Clerk be imployed he ought to be agreed with for that and his Attendance: or if not agreed with, the Court to award for his pains and trouble as they ſee cauſe. | |
| For Returning Adminiſtrations, and Probats of wills, with their Security, into the Secretaries Office, having a Certificate from the Office, of having ſo done. | 40. |
| For procuring the ſigning of Adminiſtration, and Probats. | 10. |
| For writing and Publiſhing any Perſons Departure, or for Stray-horſes, or ſuch like, at the Court-houſe-door, if writ by themſelves. | 5. |
| For Recording the ſame. | 5. |
| For Acknowledging Land in Court, and Recording thereof, and Copy. | 25. |
| For Relinquiſhing Dowers, and recording thereof | 20. |
| For a Caveat. | 5. |
| For entring and Returning References on the Docket. | 5. |

For

| | |
|---|---|
| For a *Quietus* and Recording it. | 25. |
| For a Bill of Costs. | 3. |
| For a private Courts Attendance there. | 200. |
| For Attendance at the Executing a *Dedimus*, and return thereof to the Office. | 100. |
| For returning Appeals and Securities. | 30. |
| For recording the Issuing an Attachment. | 3. |

*Penalty of Clerks exacting greater fees than is here appointed.*

And if any Clerk of a County-court shall exact and take greater sums for any Fee then is here, or in the Printed Book, or by any other Law set down and established, and shall be legally convict thereof, such Person so offending shall forfeit for every pound of *Tobacco* so exacted and taken, ten pounds of like, to the Person or Persons so overcharged, to be Recovered by Action of Debt; any Law, Custom, or Usage, to the contrary notwithstanding.

## XVII.

### *An Act Restraining Striking and Killing Fish at Unseasonable Times.*

THe Inhabitants and Freeholders of the several Counties of *Glocester*, *Middlesex* and *Lancaster*, by their Burgesses at this Assembly, complaining that the striking and killing of Fish with Giggs and Harping-Irons, is very prejudicial, injurious, and destructive to themselves in particular, and the whole Countrey in General: And praying that by a Provincial Law, there may be Restraint put upon such striking and destructive killing of Fish, betwixt

twixt the Months of *March* and *November*. Be it therefore enacted by the Kings most Excellent Majesty, by and with the consent of the General Assembly, and it is hereby enacted by the Authority aforesaid, that from hence forward it shall not be lawful betwixt the first day of *April*, and the first day of *November*, for any person or persons whatsoever, to kill or strike any fish whatsoever within the bounds and limits on the Waters or Shoars of *Glocester* County, *Middlesex* County, or *Lancaster* County, with Gigg, Harping-Iron, or any other such like Instrument made, or to be made, of Iron, Wood, or other ways, upon Penalty of forfeiting and paying for every time, such Person shall be lawfully convict thereof, five hundred pounds of *Tobacco* and *Cask*, one half to the Kings Majesty, his Heirs and Successors, and the other half to him or them that shall inform thereof, and sue for the same, to be Recovered against every such Offender or Offenders, in any of his Majesties Courts of this Colony of *Virginia*, by Action of Debt, Bill, Plaint or Information, any Law, Custom, or Usage, to the contrary notwithstanding.

*No Person shall strike or kill fish, betwixt the first of* April, *and the first of* November, *in the Counties of* Glocester, Middlesex, & Lancaster, *upon Penalty of forfeiting* 500 l. *of Tobacco.*

Cccc At

At a General Assembly, *begun at* JAMES-CITY, *November* 10. 1682. *and in the four and thirtieth Year, of the Reign of our Soveraign Lord* Charles *the Second, by the Grace of God, of* England, Scotland, France *and* Ireland *King*, &c.

## I.

## An Act *to Repeal a former Law, making* Indians, *and others Free.*

VVHeres by the Twelfth Act of Assembly held at *James City*, the third day of *October*, *Anno Domini*, 1670. Entituled, *An Act, declaring who shall be Slaves*, it is Enacted, that all Servants not being Christians, being imported into this Country by shipping, shall be Slaves, but what shall come by Land, shall serve, if Boyes and Girls, until thirty years of age; if men or women, twelve years and no longer: And for as much as many *Negroes*, *Moors*, and *Mulattoes* and others born of, and in Heathenish Idolatrous *Pagan* and *Mahumetan* Parentage and Country, have heretofore, and hereafter may be purchased, procured or otherwise obtained as Slaves, of, from, or out of such their Heathenish Conutry by some well disposed Christian, who after such their obtaining and purchasing such *Negro*, *Moor* or *Mulatto* as their Slave, out of a pious zeal have wrought the conversion of such Slave to the Christian Faith, which

which by the Law of this Country, doth not manumit them or make them free, and afterwards such their Conversion, it hath and may often happen, that such Owner or Master of such Slave, being for some reason enforced to bring or send such Slave into this Country to sell or dispose of, for his necessity or advantage, he the said Master or Owner of such servant which notwithstanding his Conversion is really his Slave, or his Factor or Agent must be constrained either to carry back or export again the said slave to some other place, where they may sell him for a slave, or else depart from their just right and Title to such slave, and sell him here for no longer time then the *English* or other Christians are to serve, to the great loss and dammage of such Master or Owner, and to the great discouragement of bringing in such slaves for the future, and to no advantage at all, of the Planter or Buyer; and whereas also those *Indians* which are taken in War or otherwise by our Neighbour *Indians* Confederates or Tributaries to his Majesty and this his Plantation of *Virginia*, are slaves to them the said Neighbouring *Indians* that so take them, and by them are likewise sold to his Majesties Subjects here as slaves; Be it therefore Enacted by the Governour, Council and Burgesses of this General Assembly, and it is Enacted by the authority aforesaid, that all the said recited Act of the third of *October*, 1670. Be and is hereby repealed, and made utterly void, to all intents and purposes whatsoever. And be it further Enacted by the authority aforesaid, that all servants except *Turks* and *Moors*, whilst in amity with his Majesty, which from and after Publication of this Act shall be brought or imported into this Country, either by Sea or Land, whether *Negroes*, *Moors*, *Mulattoes or Indians*, who and whose Parents and Native Country were not Christians at the time of the first purchase of such servants by some Christian, although afterwards and before such their importation, and bringing into this Country, they shall be converted to the Christian Faith, and all *Indians* which shall hereafter be sold by our Neighbouring *Indians*, or any other Trafficquing with us, and for as slaves are hereby adjudged, deemed and taken, and shall be adjudged, deemed and taken to be slaves to all intents and purposes, any Law, Usage or Custome to the contrary notwithstanding.

*Indian Slaves &c. though afterwards Converted to Christianity, shall notwithstanding continue Slaves still.*

II. An

## II.

## An Act *declaring* Indian-Women-Servants *Tythables.*

WHereas it hath been doubted, whether *Indian-Women-Servants* sold to the *English*, above the age of sixteen years, be Tythables; Be it enacted and declared, and it is hereby enacted and declared by the Governour, Council and Burgesses of this General Assembly, and the authority thereof; That all *Indian-Women* are and shall be Tythables, and ought to pay Levies in like manner, as *Negro Women* brought into this Country, do and ought to pay.

## III.

## *An Additional Act for the better preventing Insurrections by* Negroes.

WHereas a certain Act of Assembly held at *James City*, the eighth day of *June*, in the year of our Lord, 1680. Entituled, *An Act preventing* Negroes *Insurrections*, hath not had its intended effect for want of due notice thereof being taken; It is enacted by the Governour, Council and Burgesses of this Present General Assembly, and by the authority thereof, that for the better putting the said Act in due execution, the Church-Wardens of each Parish in this Country, at the charge of the Parish, by the first day of *January* next, provide True Copies of this and the aforesaid Act, and make, or cause entry thereof to be made in the Re-

gister

gister Book of the said Parish, and that the Minister or Reader of each Parish, shall twice every year, *viz.* Some one *Sunday* or *Lords-day* in each of the Months of *September* and *March*, in each Parish-Church or Chappel of Ease, in each Parish, in the time of Divine Service after the Reading of the Second Lesson, Read and Publish both this present and the aforesaid recited Act, under Pain such Church-Warden, Minister or Reader making default, to forfeit each of them six hundred pounds of *Tobacco*, one half to the Informer, and the other half to the use of the Poor of the said Parish.

*The Act of the eighth of June, 1680. for preventing Insurrections of the Indians, shall be read publickly in all Churches and Chappels of Ease twice every year.*

And for the further better preventing of such Insurrections by *Negroes* or Slaves; Be it likewise Enacted, and it is hereby Enacted by the authority aforesaid, that no Master or Overseer, shall at any time after the twentieth day of *January* next, knowingly permit or suffer without the leave or licence of his or their Master or Overseer, any *Negro* or Slave not properly belonging to him or them, to remain or be upon his or their Plantation above the space of four hours, at any one time contrary to the intent of the before recited Act, upon pain to forfeit being thereof lawfully convicted before some one Justice of the Peace within the County where the Fact shall be committed, by the Oath of Two Witnesses at the least, the Sum of two hundred pounds of *Tobacco* in *Cask*, for each time so offending, to him or them that will sue for the same, for which the said Justice is hereby impowered to award Judgment and Execution.

*No person shall permit any* Indian *or Slave, not belonging to him, to continue on this Plantation above four hours without leave of the said* Indians *or slaves Master.*

## IV.

## An Act *Prohibiting the Exportation of any Iron, Wool, Wolfels, Skins, Hides, or Leather.*

WHereas it is found by experience that Iron, *Wool*, Wolfels Skins and Hides, Tanned or Untanned, of any Deer, Ox, Steer, Bull, Cow, or Calf, are very necessary and profitable for the use, and support of the Country, and

would be found profitable for the ſetting to work many men women and children in this Country, which lye idle for want of Employment, ſome naked for want of ſuch Neceſſaries as might be wrought out of the ſame, which they are kept from by Reaſon of the great quantities of them Yearly exported out of the Country, to the great Impoveriſhment of the Inhabitants thereof; for the better preventing and avoiding ſuch Loſſes and Inconveniencies that have happened, and do and may happen to this Dominion, by and through the carrying and conveying away, the Exportation and Tranſportation of Iron, Wool, Woolfs-Skins, or Hides Tanned or Untanned, of any Deer, Ox, Steer, Bull, Cow or Calf, out of and from this Country, and for the better ſetting on work the poorer and weaker ſort of People of this Country, and to the intent that the full and beſt uſe and benefit of ſuch principal Native Commodities, may come and redound, and be unto and amongſt the Inhabitants of the ſame, the Houſe of Burgeſſes now aſſembled, do pray that it may be enacted, and be it enacted, by the Governour, Council, and Burgeſſes of this General Aſſembly, and by the Authority of the ſame, That no perſon or perſons whatſoever, from and after the firſt day of *January* next, ſhall directly or indirectly, export, tranſport, carry, or convey, or cauſe to be exported, tranſported, carryed or conveyed out of, or from the Dominion or country of *Virginia*, into any parts or places out of the ſame, any Iron, Wool, Wolfels, Skins, or Hides, or any manner of Leather, Tanned or Untanned, of any Deer, Ox Steer, Bull, Cow or Calf, nor ſhall directly nor indirectly load or lay on board, or cauſe to be loaden or laid on board, in any Ship, Sloop, Boat or other Veſſel, in any place or port within this Dominion; any ſuch Iron, *W*ool, *W*oolfels, Skins, or Hides, Tanned or Untanned, of any Deer, Ox Steer, Bull, Cow or Calf, except only ſuch Hides and Iron as ſhall appear by the Oath of the Owner, to be directly tranſporting to ſome Tan-houſe or Smiths in this Country, to be there wrought up. And be it further enacted, by the Authority aforeſaid, that all and every the Offender and Offenders, Offence and Offences aforeſaid, ſhall be Subject and Lyable to the Reſpective Pains Penalties, and Forfeiture hereafter following, (that is to ſay,) the ſaid Iron, *W*ool, *W*oolfels, Skins, or Hides, or any manner of Leather, Tanned or Untanned, of any Deer, Ox, Steer, Bull, Cow, or Calf, ſo put on board, to be Exported, Tranſported, carryed, conveyed, or loaden, contrary to this Act,

*Forfeiture of Iron, Wool, Hides, &c. (Tanned or Untanned) put on Board for Exportation.*

Act, shall be forfeited; and that every Offender and Offenders therein, shall forfeit forty pounds of Tobacco, for every pound of *Wool*, and *Woolfels*, and one hundred and fifty pounds of Tobacco, for every Skin or Hide, or any manner of Leather Tanned or Untanned, of any Deer, Ox, Bull, Cow or Calf; and Ten Pounds of *Tobacco* for every pound of Iron, and also the Owner or Owners, of such Ship or Vessel, knowing such Offence, shall forfeit all their Interest in the said Ship or Vessel, with all their Apparel and Furniture, to them and every of them belonging, and the Master, Marriner or Seamen thereof knowing such offence, or being aiding or assisting thereunto, shall forfeit all their Goods and Chattels, and have Imprisonment for the space of three months without Bail or Mainprize, the one Moity of which said Penalties and Forfeitures, shall be to the Kings Majesty, his Heirs and Successors, and the other Moity to him that will sue for the same, by action of Debt, Bill, Plaint or Information in any Court of Record, wherein no Essoin, Protection or wager of Law shall be allowed. And be it further enacted by the authority aforesaid, That every offence that shall be done or committed contrary to this Act, shall and may be enquired of, heard, examined, tryed and determined in the County, where such Iron, Wool, Wolfels, Skins, or Hides, or any manner of Leather Tanned or Untanned, of Deer, Ox, Steer, Bull, Cow or Calf, respectively shall be so loaden or laid on Board as aforesaid, contrary to this Act, or else in the County where such Offender shall happen to be apprehended or arrested for such Offence, in such manner and form, and to such effects to all intents and purposes, as if the same had been wholly and altogether commited at, and in such County.

*Penalty upon such as are privy thereto.*

Provided always, and be it Enacted by the authority aforesaid, that no person or persons whatsoever, shall at any time hereafter, be impeached for any offence aforesaid, unless such person or persons shall be Prosecuted within two years next ensuing such offence committed. And be it further Enacted by the authority aforesaid, that it shall and may be lawful, to and for any person or persons, to seize, take and challenge to his and their own use and behoof, and to the use of the King, his Heirs and Successors, all and all manner of such Iron, Wool, Woolfels, Skins or Hides, Tanned or Untanned, of Deer, Ox, Steer, Bull, Cow or Calf, as he or they shall happen to see, find, know of, or discover to be laid on Board of any Ship or other Vessel or Boat,

*Prosecution shall be made within two years after the Offence committed.*

*Any Person may make seizure of such Iron, Wool, Hides,*

*&c. as are found on Boaod for exportatien, and shall have the Moity thereof for so doing.*

Boat, to the intent and purpose to be exported, or conveyed out of the Country, contrary to the true meaning of this Act, and that such person or persons that shall happen to seiz, take or challenge any such Iron, Wool, Woolfels, Skins or Hides, Tanned or Untanned, of Deer, Ox, Steer, *B*ull, Cow or Calf, as aforesaid, shall have the full Moiety thereof to all intents and purposes. And be it further enacted by the authority aforesaid, that whatever person or persons, shall from and after the first day of *January* next, sell or dispose, vend or barter, to or with any Merchant not being an Inhabitant of this Country, or to or with any Master of, or Marriner, or other person, belonging to any Ship, Vessel, *B*oat or Sloop; any Iron, Wool, Woolfels, Skins or Hides, or any manner of Leather *T*anned or Untanned, of any Deer, Ox, Steer, *B*ull, Cow or Calf, the person or persons so offending, (and being thereof lawfully convicted) shall forfeit and pay for every Hide, or any manner of Leather Tanned or Untanned, of any Deer, Ox, Steer, *B*ull, Cow or Calf,, one hundred pounds of *Tobacco*, and for every pound of VVool or Woolfels, twenty pounds of *Tobacco*, and for every pound of Iron, five pound of *Tobacco* sold, so disposed or batered as is aforesaid, the one half to his Majesty, his Heirs and Successors, and the other half to him or them that will sue for the same, by Action of Debt, Plaint or Information, in any Court of Record, wherein no Essoin, Protection or wager of Law shall be allowed or granted. A nd for the better putting this Act into Execution, *B*e it enacted by the authority aforesaid, that all Justices of the Peace in every Respective County, be required and enjoyned upon notice to him or them given, of any Skins, Iron, Wool, VVoolfels, Hides, Tanned or Untanned, of any Deer, Ox, Steer, Bull, Cow or Calf, being on Board any Ship, Sloop or Vessel, or of any opposition, resistance, made in the seizure thereof, to issue out his VVarrant, to the High-Sheriff, Under-Sheriff, Constable or other Officer Requiring them to go on board such Ship, Sloop, or Vessel, and there to make diligent search and seizure of the said Hides, Skins, Iron, *W*ool, *W*oolfels, or any Leather, Tanned or Untanned, found on board the Ship, Sloop, or Vessel; or if any Justice or Justices of the peace, upon Request to him or them made, Refuse or Neglect to Issue out *W*arrant, or any Sheriff, under-Sheriff, or other Officer, shall *R*efuse to execute such *W*arrant, he or they so offending, shall forfeit three thousand pound of Tobacco and Cask; or if

*Justices of Peace shall sue Warrants to the Sheriffs or other Officers to be assisting in the seizure in case of Oposition.*

if any perſon or perſons, ſhall upon command made to him in his Majeſties Name, refuſe to be aiding or aſſiſting to ſuch Sheriff, or other Officer in the Execution of ſuch Warrant, every ſuch perſon ſo offending, ſhall forfeit the ſum of one thouſand pounds of Tobacco with Cask, one half of all ſuch Fines and Forfeitures to be paid to the Kings Majeſty, and the other half to him or them that will inform to be recovered as is before directed; And it is further Enacted by the authority aforeſaid, that every Collector in this Country, ſhall at the entry of every Ship or Veſſel, acquaint every Maſter of ſuch Ship or Veſſel with this Act, and enter a particular clauſe in the condition of their Entry-Bond, for the performance of the ſame.

*Penalties upon ſuch Juſtices, Sheriffs, and others as ſhall not give due obedience to this Act.*

Provided alwayes, and it is the true intent and meaning of this Act, that if any perſon or perſons, ſhall hereafter be ſued or impleaded by vertue hereof, for the breach of any clauſe or prohibition herein contained upon the Forfeitures or Penalties herein before mentioned, expreſſed or provided, that then and in ſuch caſe ſuch perſon or perſons ſo proſecuted, ſued or impleaded, ſhall not be liable be ſubject to be ſued, impleaded or Proſecuted by any other Law heretofore made or provided againſt the exportation of any of the Hides, Iron, Wool, Skins, or other things herein before enumerated, any other or former Law, Cuſtom or Uſage to the contrary notwithſtanding.

*The time this Act ſhall continue in force.*

Provided alſo, that this Act ſhall continue in force until the tenth day of *November*, which ſhall be in the year of our Lord, 1685. and from thence, to the end of the next Seſſion of Aſſembly.

## V.

## An Act *Directing how* Commiſſions *of* Dedimus Poteſtatem, *and other Writs, ſhall Iſſue.*

WHereas the preſent courſe of ſigning Commiſſions of *Dedimus Poteſtatem* Writs of Execution, and Attachment by the Governour, in cauſes depending in the General Court, is found by experience to be very Burthen-

ſome and grievous to Suiters, the Burgeſſes now aſſembled do pray, That it may be enacted, and be it enacted, by the Governour, Council, and Burgeſſes of this preſent General Aſſembly, and by the Authority thereof, that all Writs or Commiſſions to examine witneſſes called *Dedimus Poteſtatem*, at the Requeſt of either of the Parties, Plaintiff, or Defendant in any cauſe now depending, or which ſhall or may hereafter depend in the General Court, ſhall and may be iſſued and ſigned by any one of the Honourable Council in ſuch Form, and according to ſuch Rules and Directions as are by Law already preſcribed and laid down, and that all writs of Execution, and writs of Attachment awarded by any Order or Judgment of the ſaid Court, ſhall and may be iſſued forth of the Secretaries Office, by the Clerk there attending, and for that purpoſe authorized by the Secretary, and by him ſigned, without putting the parties to the trouble of attending, or ſending to the Governour for his ſign, as hath been formerly uſed, and all ſuch writs to be Returnable to the Secretaries Office, any former Law, Cuſtom or Uſage, to the contrary notwithſtanding.

*A* Dedimus Poteſtatem, *may be ſigned by any Member of the Council.*

*Writs of Execution and Writs of Attachment how to iſſue.*

## VI.

## *An Act Repealing the ſixth* Act *of* Aſſembly, *of* June, 1680. *about* Attorneys.

Foraſmuch as the ſixth Act of Aſſembly made at *James-City*, the 8th. day of *June*, 1680. concerning Attorneys, is found inconvenient, Be it therefore enacted, by the Governour, Council, and Burgeſſes of this General Aſſembly, and it is enacted by the Authority aforeſaid, that the aforeſaid Act of Aſſembly, and every clauſe thereof, from henceforth be Repealed, and made Void.

VII. *An*

# VII.

## An Act *Disbanding the present Souldiers in* Garrison, *in the Forts, at the Heads of the several Rivers; as also, for the Raising of other Forces in their stead.*

WHereas the present *Garrisons* in the several Forts, built according to an Act of Assembly, held at *James-City*, the 8th day of *June*, 1680. Intituled, *An Act for Continuation of the several Garrisons and Fortifications at the heads of the four great Rivers*; are by experience found very burthensom, and chargeable to the Country, and forasmuch as the apprehensions of Dangers, from the Incursions of certain *Indian*-Enemies, induced that Assembly to erect those Forts, and place those *Garrisons* in them; are for the most part removed by peace, concluded with those *Indians* then our Enemies; the House of Burgesses now assembled, do pray, that it may be enacted, and be it enacted by the Governour, Council and Burgesses of this General Assembly, and by the authority thereof, that the several Forts and Garrisons be dismantled, and the Forces, Officers, and Souldiers therein, and in each of them disbanded, some time between this and the 30th. day of this instant *December*, and that each Officer and Souldier by the time aforesaid, do actually deliver up his Horse, Arms and Furniture, to the Respective Owners of them; and forasmuch as it may be dangerous and of evil Consequence, to leave the frontiers of the Country, and heads of the aforesaid Rivers, altogether ungarded; it is hereby enacted, that twenty men well furnished with Horses and all other Accoutrements, be raised and listed in each of the Counties of *Henrico*, *New-Kent*, *Rappahannack*, and *Stafford*, of such House-keepers belonging to the said Counties, as shall voluntarily offer themselves for this Service, and for want of such or so many House-keepers that then the said Number shall be made up of such freemen as shall willingly offer themselves, and give security to the *Militia*-Officers of that County, to perform all services and other things, as by this Act is enjoyned them, but in case

*Twenty Men well furnished with Horses shall be raised in each County viz.* of Henrico, New-Kent, Reppahanuack and Stafford.

case such twenty men, quallified as aforesaid, shall not be found in each of the said Counties, then it shall and may be Lawful for the *Militia*-Officers of the said Counties, to impress such and so many men furnished as aforesaid, as shall be wanting to compleat the number required by this Act; and his Excellency the Governour General, or in his absence the Right Honourable the Lieutenant, or Deputy Governour is hereby desired to make choice of, and commissionate some fit and able Person, in each of the aforesaid Counties, who is a House-keeper, therein to command, lead, train, conduct, and exercise the said Twenty souldiers to be raised in the said County, of which he shall be appointed and commissionated, by his Excellency the Governour General, the Lieutenant or Deputy Governour, as is aforesaid. And it is further enacted, That the chief Officers of the *Militia* in each of the said Respective Counties, shall make choice of the most able and fittest person, out of such twenty men, as to them shall seem most fit and convenient to be Corporal of the said Troop of that County, who in the absence of the Captain of the Troop occasioned by sickness or otherwise, is to Lead, Train, Command, and Exercise, the said Troop, or Company of Twenty Men; and be it enacted by the Authority aforesaid, That the pay of each Officer and Souldier shall be as followeth, to the Captain of each Troop, finding himself Horse, Armes, Ammunition and Provision, eight Thousand pound of Tobacco, with Cask, out of the Publick Levy, for one whole year, and so after that Rate for a shorter or longer time; To the Corporal of each Troop, Three Thousand Pounds of Tobacco with Cask, as aforesaid for one whole year, and so after that Rate, for a longer or shorter time, to each Souldier finding himself Horse, Armes, Furniture, Provision, Ammunition, and other necessaries as aforesaid, two thousand pound of Tobacco in Cask, as aforesaid, and so after that Rate, for a longer or shorter time. And be it enacted by the authority aforesaid, that each Captain, or in his absence, his Corporal shall once every Month, Muster, Train, Exercise, Instruct, and Discipline the Troop or Souldiers under his Command, on pain to forfeit five hundred pounds of Tobacco in Cask for every time, he shall neglect such Muster or Exercise, unless occasioned by sickness, and that every Captain, or in his absence, occasioned by sickness, his Corporal shall at the least once in every fourteen

*The Captain of each such troop consisting of 20 men, shall have 8000 l. of Tobacco and Cask per Annum.*

*Corporals and private Souldiers pay.*

*The said troops shall be trained and Exercised once a Month.*

fourteen days, Range and Scout, about the Frontiers of the County, for which they serve, and in such other places as shall be most likely for the Discovery of the Enemy, under pain of forfeiting for every time, he shall neglect such Ranging and Scouting, one Thousand pounds of Tobacco and Cask; and that every Souldier that shall neglect or omit to appear at such Muster, shall forfeit one hundred pounds of Tobacco in Cask, and for not Scouting and Ranging as aforesaid, two hundred pounds of Tobacco and Cask, for every such default; all which Forfeitures to be Recovered by Action of Debt, by him or them, that will inform, the one half to the Informer, and the other half to the use of the County. And be it further enacted, by the auhtority aforesaid, that upon Notice, Advice, or Discovery of the Approach or Attempt of any Enemy, the said Captain or Corporal of the Troop, is hereby Required to give speedy Advice thereof, to some one or more of the chief Officers of the *Militia*, and he or they to his Excellency the Governour, the Right Honourable the Deputy Governour, or some one of the Honourable Council; and in the mean time, to observe and attend the Motion of the Enemy only, unless he shall obstinately persist to commit Acts of Hostility, and in such cases of Necessity to engage or destroy them, if he see cause; and in all things to attend and execute such Orders and Commands as he shall receive from the Governour and Council. And it is further enacted, That for their better Management, and Ordering their Horses, and making them fit for service, no Souldier presume to use or bring to service any other Horse, then that only which shall be first Mustered, and approved of, of which each Captain is to take such Particular Notice as that he may know the Horse again, unless in case such Horse shall be by some accident made unfit for service, in which case such Souldier may provide himself of another able Horse in his stead, which he is likewise not to part with, unless for his first Horse again: and this Act to continue in force for three years, from the first day of *January* now next ensuing.

*And shall once in every 14. dayes range & scout about the frontiers of the County for which they serve.*

*The Captain of the said troop upon approach of any Enemy, shall give Notice thereof to the Officers of the Militia.*

Provided always, and be it enacted by the Authority aforesaid, That the aforesaid Recited Act of the 8th. of *June*, 1680. Intituled, *An Act for the Continuation of the several Garrisons and Fortifications at the Heads of the four great Rivers*, be Repealed, and it is hereby Repealed for three years, under his Majesties good Liking, and after until

 his

his Majesties Pleasure, shall be signifyed to the contrary, any thing herein to the contrary notwithstanding.

## VIII.

## An Act *imposing further Penalties upon any person or persons that shall Publish, or Declare that the* Acts *of* *Assembly of* Virginia *are not of force.*

THis Assembly taking into their serious consideration, that divers ill disposed persons, wickedly intending to invalid the Laws of this Country, and bring them into contempt and disrepute, have moved and stirred certain doubts, whether there be any Laws in force and efficacy, so as to be binding to his Majesties Subjects, being in this his Majesties Dominion of *Virginia*; for preventing of such mischiefs, Be it enacted by the Governour, Council and Burgesses of this General Assembly, and it is hereby Enacted and declared, That if any person or persons shall at any times after the Publishing this Present Act, maliciously and advisedly publish and declare, by words or writing, the Acts of Assembly of *Virginia*, not repealed, expired, vacated or annulled by the Kings Most Excellent Majesty, are not of force, or binding within this his said Majesties Dominion, to all his Majesties Subjects inhabiting, or being therein, such person or persons so offending, shall be adjudged, deemed and taken to be factious and seditious, and contemners of the Laws, and being thereof lawfully Convicted, shall for the first offence be fined one Thousand Pounds of *Tobacco*, and suffer one months Imprisonment, without Bail or Mainprize; and for the second offence, Two Thousand Pounds of *Tobacco*, and two months Imprisonment, and for every such offence after, double the Penalties and Forfeitures aforesaid, one half of which Forfeitures to the Kings Majesty, his Heirs and Successors, and the other half to the Informer, to be recovered by action of Debt, in any of his Majesties Courts, in this his Majesties Country; which said Penalties are to be added and imposed

imposed over and besides all other Punishments that may be legally inflicted on such Offenders.

## IX.

## An Act *Repealing an Exception in the* 9th Act *of* Assembly, *made* Anno 1664.

WHereas the 9th Act of Assembly made at *James City*, the twentieth day of *September*, 1664. Intituled, *An Act concerning Arrests in Court-time*, exempt the Inhabitants of *James-City-County* from the benefit thereof, leaving them lyable to Arrests in time of General Courts and Assemblies, which is found injurious to many of the Inhabitants of the said County; Be it therefore enacted by the Governour, Council and Burgesses of this General Assembly, and it it enacted by the authority aforesaid, that the latter clause of the said Recited Act, whereby the Inhabitants of the said County are excepted out of the said Act, be repealed and made void, and that the Inhabitants of the said County, have equal benefit of the said Recited Act, with the other Inhabitants of this Country.

*The Inhabitants of* James-City-County, *freed from Arrests, during the General Assembly.*

Provided alwayes neverthelefs, that this Act shall not extend to the Inhabitants of *James-City*, but that they and every of them, shall be lyable to Arrests in Court-time, as though the Exception in the said Act of Assembly, *Anno* 1664. did still remain in full force, any thing in this Act before mentioned to the contrary notwithstanding.

*But not the Inhabitants of* James-City.

## X.

## An Act *that Witnesses be free from* Arrests.

FOrasmuch as many Persons Summoned or Subpena'd as Evidences in Causes depending in the Courts of this Countrey many times fail in appearing, for fear of being Arrested, when they appear at Courts as Witnesses, where-

whereby many times many Inhabitants of this Countrey lose their Suits and just due; Be it enacted by the Governour, Council and Burgesses of this General Assembly, and it is enacted by the Authority aforesaid, that from henceforth all Persons Subpena'd as Evidences, or Witnesses in any Cause or matter depending in any Court in *Virginia*, shall be free from Arrests for any Debts or Trespass, except at the Kings Suit, during their Attendance at Courts, and their direct coming to Court, and Returning Home.

# XI.

## *An* Act *for the Encouragement of the Manufactories of Linnen and Woollen Cloth.*

BE it Enacted by the Governour, Council, and Burgesses of this General Assembly, and it is hereby Enacted by the Authority aforesaid, That what person or persons soever shall produce to the County-court, where he or they shall Reside, a Certificate under the hands of two Justices of the Peace of the same County, (whereof one to be of the *Quorum*) that such Person or Persons have produced to them upon Oath, of his or their own Growth or Manufacture, a greater or lesser Quantity of Flax Seed, Hemp-Seed, or either of them, shall have given and allowed him or them for encouragement to persist in so useful a Manufacture for every peck of flax-seed, four and twenty pounds of *Tobacco*, and for every Peck of Hemp-seed, twenty pounds of *Tobacco*, for which the County-Court is impowered to give every person or persons Certificate thereof, attested by their Clerk, which shall be a sufficient proof to the General Assembly to order the said person or persons their said encouragement out of the Publick Levy; provided such Certificate from the Justices to the County-Court, be filed at the Court, and fixed up there, to the intent that all persons whatever, may have a view of the same. And be it further Enacted by the authority aforesaid, that what person or persons soever, shall by his industry of his own growth and manufacture work up his flax and Hemp, fit for the spindle, and

*24 l. of Tobacco allowed by the publick for every peck of Flax-Seed, of the Growth of the Country, and 20 l. of Tobacco for every peck of Hemp-seed.*

and produce the ſame to the next County-Court, or make the ſame appear by Certificate as aforeſaid for every pound ſo wrought up either of Flax or Hemp, he or they ſhall be allowed two pounds of *Tobacco* for his or their encouragement by the Publick, and a Certificate thereof ſhall be given from the ſaid County-Court, to the General Aſſembly, which Certificate ſhall be a ſufficient proof for him, to be allowed out of the Publick Levy. And be it further Enacted by the authority aforeſaid, that for the further and better encouragement of the aforeſaid Manufacture of Hemp and Flax, and for the working up our Wool into Cloth, that every perſon that ſhall make or cauſe to be made, the ſaid Hemp or Flax, ſo wrought to the Spindle as aforeſaid into Linnen-Cloth, that ſuch perſon or Perſons ſhall be allowed for every Ell of ſuch Linnen, that ſhall be three quarters of a yard wide or more, ſix pounds of *Tobacco*, and for every yard of Woolen-Cloth or Linſey Woolſey of the like breadth ſix pounds of *Tobacco*, to be paid by the Publick; ſuch perſon or perſons producing the ſaid Linnen or *W*oolen-Cloth, or Linſey Woolſey to the County-Court, where he or they ſhall reſide, who are hereby required and empowered to examine and enquire, and take proof, that the ſaid Linnen, or Woolen, or Linſey-Woolſey, are of their proper growth and manufacture, and accordingly Certifie the ſame to the next Aſſembly, which Certificate ſhall be received as proof to the Aſſembly, for the allowing thereof, out of the Publick Levy. And whereas it is well hoped, that by the encouragement aforeſaid, there will be ſuch great quantities of Flax-Seed, and Hemp-Seed, produced in this Country, as will abundantly furniſh the Inhabitants for the end ands purpoſes hereafter mentioned, and that the Inhabitants be remembred carefully to provide themſelves ſeed the next enſuing year for the year following; Be it further enacted by the authority aforeſaid, That every Tythable Perſon that ſhall be in the Countrey in the year 1684. according as he is uſually noted, or ſet down in the Liſt of Tythables, ſhall make or cauſe to be made, one pound of Dreſſed Flax, and one pound of dreſſed Hemp, or two pounds of either, and yearly, and every year thereafter, under the Penalty of fifty pounds of *Tobacco*, for every pound of *F*lax or Hemp neglected or omittted to be made as aforeſaid, the ſame to be paid, the one half to the County, the other to the Informer, by ſuch Maſter, Owner, or Overſeer, of any family or company of *S*ervants or any other Tythable that ſhall be found to neglect or omit as aforeſaid,

*Allowance for Flax or Hemp wrought.*

*Allowance for the ſame made into Cloth, alſo for Woollen Cloth, and for Linſey-Woolſey.*

*For Every Tythable in the year 1684. ſhall be made one pound of Flax and one pound of Hemp dreſſed, or two pounds of either and ſo yearly after.*

foresaid, & for the better discovery of such neglect or omission, that all Masters, Owners, or Overseers, who have the charge of Families, and company of Servants and other *Tythables*, shall at some convenient time before the laying of the Levy in the Respective Counties, produce before some Justice of the Peace of the County, the aforesaid quantity of Hemp, or Flax, as is herein enjoyned to be made, and the same deliver upon Oath, which Oath the said Justice is hereby impowered to administer, that the *Flax* or Hemp so produced, is of his own growth and manufacture. And be it further enacted by the authority aforesaid, that there shall be allowed and paid out of the Publick Levy, for every well-wrought Hat, made of Wool or Furr in this Country to the maker thereof, ten pounds of *Tobacco*; and for every dozen pairs of mens or womens woolen or worsted Hose, twelve pounds of *Tobacco*, to be proved and certified in such manner and form, as in this Act before is expressed, for Linnen and Woolen-cloth.

*The Penalty of a Default.*

*Allowance by the Publick for Hats made of Wool or Furr of the growth of this Country.*

Provided alwayes nevertheless, and it is the true intent and meaning of this Act, that this Law shall continue in force, until the tenth day of *November*, which shall be in the year of our Lord 1685. and no longer, any thing in this Act before contained to the contrary notwithstanding.

*The time this Act shall continue in force*

## XII.

## An Act *for the Advancement of Manufactures of the growth of this Country, and for the better and more speedy payment of Debts and Levies.*

FOr encouragement of Manufactures and improvement of Commodities of the growth of the Country, and also ascertaining the Rates and Prices Be it enacted by the Governour, Council and Burgesses of this General Assembly, that all Debts either in Money or *Tobacco*, contracted after publication hereof in this his Majesties Colony and Dominion of *Virginia*, where the Debtor upon demand of the Creditor, cannot pay the same in specie or kind, and shall upon his Oath declare before some one

one Justice of the Peace, (which Oath the said Justice is hereby impowered and required to administer) the summ of money or quantity of *Tobacco* he hath here or else-where, and shall make tender of so much toward payment of his Debt that then and in such case it shall and may be lawful for every such Debtor to make payment of his Debt or the Remainder thereof in the Commodities and Manufactures of this Country hereafter mentioned, at the Rates and Prices hereafter following, *viz.*

*Debts may be paid in Commodities of the growth and Mnnufocturos of this Country.*

Tobacco at ten shillings *per Cent*; Wheat, *English* Pease, and Galavances, at four shillings, or forty pound of Tobacco *per* Bushel; Barley, Oates, and all other *Indian* Pease, at three shillings seven pence farthing, or thirty six pound of Tobacco *per* Bushel; *Indian* Corn shelled, two shillings, or twenty pound of Tobacco *per* Bushel; Flax from the break or Swingle, seven pence farthing, or six pound of Tobacco *per* pound; Hemp rended, pealed, or braked, four pence three farthings, or four pound of Tobacco *per* pound; Wool washed before shearing, nine pence three farthings, or eight pound of Tobacco *per* pound; Butter six pence, or five pound of Tobacco *per* pound; Tallow four pence three farthings, or four pound of Tobacco *per* pound; Fresh Pork with head, feet, and leaf, or without, twelve shillings, or one hundred and twenty pound of Tobacco *per* Cent; Fresh Beef, ten shillings, or one hundred pound of Tobacco *per* Cent; Inch Plank for one thousand of foot, fifteen shillings, or one hundred and fifty pound of Tobacco; Tar in Barrel, cont. thirty two Gallons, fifteen shillings, or one hundred and fifty pound of Tobacco; Pipe-Staves *per* thousand, six-score to the Cent. three pound, or six hundred pound of Tobacco; Hogshead-Staves *per* thousand, six-score to the Cent. two pound eight shillings, or four hundred and eighty pound of Tobacco; Barrel-Staves *per* thousand, six-score to the Cent, one pound thirteen shillings seven pence farthing, or three hundred thirty six pound of Tobacco Buck-Skins drest, each two shillings four pence three farthings, or twenty four pound of Tobacco; undrest one shilling two pence farthing, or twelve pound of *Tobacco*; Doe-Skins drest, each one shilling nine pence halfpenny, or eighteen pound of Tobacco, Undrest, eleven pence, or nine pound of Tobacco.

*At what Rates such Commodities shall be valued.*

Which Commodities must be at the time of tender, good, sound, wholsom, and Merchantable, in their kind; and if any difference happen therein, the same shall be determined by two of the Neighbourhood, appointed and requir-

*This Act extends not to quit Rents, & Customs.*

*How long this Act is to continue in force.*

ed thereunto, by the next Justice of the Peace. Provided: and it is hereby enacted and declared, that this Act or any thing therein contained, doth not extend to the Quit-Rents or other his Majesties Dues or Customs.

Provided always nevertheless, and it is the true intent and meaning of this Act, that this Law shall continue in force, until the tenth day of *November*, which shall be in the year of our Lord, 1685. and no longer, any thing in this Act contained, to the contrary notwithstanding.

## XIII.

### An Act for the Publick Levy.

BE it enacted by the Governour, Council, and Burgesses of this General Assembly, and the Authority thereof, that the sum of eighty nine pounds of *Tobacco* be paid by every tythable Person within this his Majesties Colony and Dominions of *Virginia*, for the payment and defraying of the publick charge of the Country, being the publick Levy for this present year, and that it be paid by the collectors of the several counties, to the several Persons, to whom it is proportioned by this Present General Assembly.

FINIS.

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# Att a Generall Assembly begun at James Cittie the sixteenth of Aprill in the six and thirtieth year of the Reign of our Soveraigne Lord Charles the 2d by the grace of God of England, Scotland, France, and Ireland, King Defender of the ffaith &c = and in the year of our Lord God, one thousand, six hundred eighty four, &c

Act (1)st

## An Act for altering the time of holding Genll Courts

Fforasmuch, as by experience it is found verie grievious & burthensome to the inhabitants of this Country, that the two Genll Courts held for this Country, in the months of Septembr & November are the one to early, before Tobacco comes in demand, & Ships arrivall into this Country, and November Court held in the depth of Winter, and soe imediately following the other, as the Suiters can scarce Returne home, before they are exposed to the danger, and Charge, of Returning again, to their great hazard, and detriment which might be prevented if the Genll Courts were apoynted to be held but twice in one year (Viz) the first Genll Court, According to a former Act made the fifth day of June one thousand six hundred sixty six to begin the fifteenth day of Aprill and to hold eighteen dayes, and the second Genll Court to begin the fifteenth day of October, and to Continue eighteen dayes, and noe Longer. Be it therefore Enacted by the Gov, Councill, and Burgesses of this Genll Assembly, & by the Authority thereof, and it is hereby Enacted, and Declared that the first Genll Court in each year, begin upon the fifteenth day of Aprill, (if the same hapen not upon Sunday) and be held and Continued eighteen dayes, not accounting Sundayes into the number, and the other Genll Court, to begin upon the fifteenth day of October (if the same hapen not to be on Sunday, and then on the day following) and to be held & Continued eighteen dayes not including Sundayes into the number, and noe Longer, and that all & every Act, & Acts [illegible] the Genll Courts, at any other time, or times, be & are from hence forth, utterly repealed and made voyd to all intents & purposes, any Law Custome or usage to the Contrary thereof, in any wise Notwithstanding &c

(2.d)

An Act for the better preservation of the peace of Virginia and preventing unlawfull, and Treasonable Assosiations

Whereas many evill disposed persons Inhabitants of this his Majesties Collony and dominion of Virginia, Contrary to their Duty and Allegiance, on, or about the first of May, in the thirty=fourth year of his Majesties Reign, and divers other dayes and times, tumultuously, and mutinously Assembled, and gathered together, to cut up, and destroy all Tobacco plants, and to perpetrate the same, in a Traytrous and Rebellious manner, with force and armes, entered the plantations of many his Majesties good Subjects of this his Majesties Collony, Resolving by open force, a generall and totall distruction of all Tobacco plants, within this his Majesties Dominion, to the hazarding the Subvertion of the whole Government and Ruin and distrution, of his Majesties good Subjects, if by Gods Assistance, and the prudent care and Conduct, of the then Leivtenant Governor, and Councill, the mutineers had not been timely prevented, for which Treasons, and Rebellions against his Majesties and the Go=verment, some notorious Actors have been Indicted Convicted,— and some of them executed, and suffered such pains, and punish=ments, as for their Treasons and Rebellions they Justly deserve now to the end purpose, that none of his Majesties Subjects, may be at any time hereafter, seduced, by the specious pretences of any persons the such tumultuous, and mutinous Assemblyes, to Cut up or destroy Tobacco plants, or any other the Crop or Labours of the Inhabitants of the said Collony, are but Riotts, and trespasses and to the end his Majesties Subjects of this his Dominion, may be the better secured in their Estates, & possessions, the Burgesses of this present Generall Assembly, pray it may be Enacted, and be it Enacted by the Governor, Councill, and Burgesses of this Assembly that if any person, or persons whatsoever, to the number of eight or above, being Assembled together, shall at any time after the first day of June, now next insueing, intend, goe about, practice or put in use, with force unlawfully to cut, pull up, or destroy any tobacco plants, either in beds, or hills growing

Within the said Collony, or to destroy the same either curing or cured, either before the said same is in hogsheads, or afterwards, or to pull down burn or destroy, the houses, or or other places, where any such Tobacco shall be, or to pull down the fences, or inclosures, of any Tob:cco plants with intent to cut up and destroy the same (and such persons, or persons being Comanded, or Required, in his Majesties name by the Gov, or other Comander in Chiefe, or any one of the Councill, or one or more Justices of the peace, of the said Collony, comanding, and Requiring such persons to disperse themselves, and peaceably to depart to their own habitations, shall Continue togather, by the space of four hours, after such proclamacon made at or nigh the place, where such persons shall be, soe assembled, That then every such persons, soe willingly assembled in forciable manner to doe any of those acts before mencioned, & soe Continue togather as aforesaid, and be thereof lawfully convicted, shall be deemed, declared, and adjudged, to be Traytors, and shall suffer pains of death, and alsoe Loose and forfeit as in cases of high Treason provided always that noe person or persons whatsoever, shall incurr the pains & penal=ties hereby inflicted, unless he, or they, be prosecuted & Indicted thereupon within twelve moneths after the offence Comitted, any thing herein Contained to the Contrary notwithstanding. ~~

(8)

## An Act Repealing the Act Concerning the persuit of Runaways

Whereas the 8th Act of Assembly made at James Citty the 13th day of September one thousand six hundred sixty three ~ intituled an Act Concerning the persuit of Runaways is by experi=ence found very inconvenient, bee it therefore Enacted by the Govern Councill & Burgesses, of this Grand Assembly and it is hereby Enacted, that the said Act, & every Clause & Article therein Contained, be & is hereby Re=pealed to all intents & purposes whatsoever ~~

(14th) An Act for ye better supply of ye Country with Armes & Amunition

For the incouragemt of ye Inhabitants of this his Mas^ties Collony & Dominion of Virginia to pvide themselves with Arms & Amunition for Defence of this his Mas^ties Country, and yt they may apear, well & Compleatly furnished, when Comanded to Musters, and other ye Kings service, which many psons, have hitherto delayed to doe, for that their arms have bin imprest and taken from them, Be it Enacted by ye Govern^r Councill & Burgesses, of this present Gen^ll Assembly and ye Authority thereof, and it is hereby Enacted, That all such Swords, musquetts, pistolls, Carabines, gunns and other Arms, and furniture, as the inhabitants of this Country are already pvided, or shall provide, & furnish themselves with, for their necessary use and service, shall from hence forth be free and exempted, from being imprest, or taken from him, or them, that already are pvided, or shall pvide, or furnish himselfe, neither shall ye same be lyable to be taken by any distress seizure or attachment or Execution, any Law Custome or usage to ye Contrary thereof notwithstanding. And be further Enacted yt between this, and ye five & twentith day of march, which shall be in ye year of our Lord, one thousand six hundred, Eighty six, every Trooper of ye Respective Counties of this Country shall furnish & supply himselfe with a good able horse, saddle, & all other Armes & furniture, fit & Compleat for a Trooper and ye every foot souldier, shall furnish & supply himselfe wth a Sword Musquett, and other furniture fit for a souldier, and yt each Trooper, and foot souldier, be pvided with two pounds of powder, and eight pounds of shot, and shall Continually keep their Armes well fixt, Clean and fit for ye Kings service, and be it further Enacted that every Trooper failing to supply himselfe wthin the time aforesaid wth such Arms & furniture and not afterwards keeping ye same well fixt, shall forfit four hundred pds of Tobco to his Mas^tie for ye use of ye County, in wch such delinquent shall live, towards ye pvideing of Collony Drums and Trumpetts therein and every foot souldier, soe failing to

provide himselfe within ye time aforesaid, & not keeping the same well fixt, shall forfeit two hundred pounds of Tob.co to his Maj.tie for ye use aforesaid, and yt all the Mallitia Officers of this Country take care to see ye Exe=ecution, & due observation of this Act, in their severall and respective, Regiments, Troops, and Companyes, And be it further Enacted by ye Authority aforesaid, That every Coll of a Regimt, within this Country, shall once every year upon ye first thursday in October, yearly cause a Genll Muster and Exercise of ye Regiment under his Comand, or offener if Occation shall Require, And yt every Capt, or Comandr of any troop or foot Company, within this Country, shall once at ye least in every three months, muster, Train and Exercise, ye troop or Company under his Comand, to ye end they may be ye better fitted, and Enabled, for his Majtie & the Countrys service, when they shall be Comanded thereunto.

(5th) An Act Repealing the 42d, and 43d, Acts of ye printed Laws and for building Prisons in each County and for ascertaining Rules to each prison.

Be it Enacted by ye Govern.r, Councill, & Burgesses of of this psent Genll Assembly and by ye Authority of ye same that the ye fourty second and fourty third Acts of ~~Assembly~~ of ye printed Laws, intituled prisons to build in each County & dwellers within ye Rules of any prison not to have the benefitt thereof, be and shall be Repealed, and ye same and every Clause and Article therein and in each of them Contained is and are hereby Repealed, and made voyd to all intents and purposes whatsoever, and be it further Enacted ye a good, strong and substantiall prison after ye form of Virginia housing be built, and Continued in each County, sometime before ye first of January by ye Justices of ye peace in their sessions and at ye Charge of each County, under penalty of being fined five thousand pounds of Tob and of being Answearable for any Escape which shall be made, for want of such prison

And be it further Enacted, that the Justices of the peace in each County be and are hereby impowered, sometime between this and first of January, to appoynt set and lay out, a Certain place district, or parcell of Lands, adjoyning or Circumjacent to each prison not exceeding eighty eighty poles square, to be a place of Liberty and privilledge for each prisoner, (not Comitted for treason, or fellony) giveing bond, with good security, to the Sherriffe of the County for his true imprisonment, to walk and abide in for their health and Refreshment within which Compass, soe long as such prisoner (not Comitted for treason or fellony) shall Remain & Continue, he shall not be adjudged, to have made an escape, any Law, usage, or Custome to the Contrary thereof notwithstanding, and for the better notifying and makeing known, the bounds of the Rules, or places of Liberty, or priviledge to each prison belonging, Be it further Enacted that the Justices of each County, doe, sometime before the first of January next aforesaid, goe round the bounds, of such Rules & places of Liberty & privilledges, and by some means marke out notifie & Describe, the said bounds, and the same bounds soe notified & Described, to enter into, & amongst the Records of the County Court, Provided, always nevertheless that all Counties where, such prisons are already built, and standing, shall be excused from building others any thing herein Contained to the Contrary notwithstanding.

1613 An Act to Repeale the Act, giveing Incouragement for Linen and Wollen Manufacture

For as much as by an Act intituled, an Act for the incouragement of the manufacture of Linen & Wollen Cloath there are certain incouragements allowed, & payable, to such person, and persons as shall by due proofe made according to the prescriptions & method. in the said Law appoynted of his her

her, or their, haueing pformed the Condicons therein Limitted and soe by ye said Law, Justly intituled to ye Reward therein mentioned which said incouragemts in such maner payable, are found to be rather a Charge, & inconve=nience then any benefitt to ye publique, ye Charge thereby accumulated likely to be great, & ye effect onely a transpo=sition, of Tob through Officers hands, & much thereof thereby exhausted & the psons themselves, to whom ye incouragemts are thereby due, desiring to Relinquish all their Claimes (and ye same being soe Represented to this Assembly) finding incouragemt, by the benifitt Reced of their Labours, to pmote and ppogate soe benificiall manufactures, Be it Enacted by ye Govr Council, & Burgesses, of this psent Genll Assembly and it is Enacted by ye Authority aforesaid, That ye Act aforesd with all incouragemts therein allowed, with all fines & penalties therein mentoned, and every Clause article & thing therein Contained, giving any allowance for such Linin & Woolen manufactures, and other incouragemts whatsoever therein allowed, and every penealty thereby imposed, are & shall be hereby utterly Repealed & made null, & voyd, to all intents and ppposes, the said Act, or any other Act or Acts to ye Contrary thereof, in any wise notwithstanding

(7) 13

## An Act for the better defence of ye Country

This is an Act for souldiers to be in Garrisons at ye heads of ye great Rivrs and is now ex=pired, and Repealed, by ye ninth Act of Assembly made at James Citty ye 20th die Octob 1686

(18th) An Act for Lessening ye Leavy by poll and laying an imposicon upon Liquor:

This was an Act for ye paying of three pence p Gall for all sorts of Wine Rum, Brandy, or any Spirits whatsoever (except wt shall come directly from England) imported into this Collony, excepting those Virginia Owners, ye money to be imployed in building a Court house & other beneficiall uses for ye Country; and is now expired the 29th die Septembr 1687, and revived by ye 10th act of assembly made Octobr 1686 for three years, wch expired 29 8br 1690

(19th) An Act for the publique Leavy

Be it Enacted yt ye sum of 47 lb of Tob be pd by every tithable pson wthin this his Matys Collony and Dominion of Virginia, for defraying ye publique Charge of ye Country being ye publique Leavy for this psent year &c.

Copia Tho Milner Cl Assembly

May 16th 1684

By the house of Burgesses

Upon Reading a Report from ye Comittee of ppositions and Grievances &c

Resolved yt it is the undoubted right, of every pson who holds Land Tenemts or Hereditamts for his own life, for ye life of his Wife, or for ye life of any other pson or psons, to vote for in Election of Burgesses for ye County where such Lands Tenemts &c Doe lie

Test Tho Milner Cl Assembly

# At a Genll Assembly begun at James Citty the first day of Octob 1682, and in ye first year of ye Reign of our Soveraign Lord King James ye 2d of England, Scotland, France, and Ireland defender of ye faith &c, and thence prorogued by severall prorogations to ye 20th day of October 1686

## These foll Acts and Laws were made (viz)

1. 82 An aditionall Act about Runawayes

Be it Enacted by ye Govr Councill and Burgesses of this Genll Assembly and ye authority thereof, & it is hereby Enacted ye ye 1st Act of Assembly made at James Citty ye 3d of 8br 1670 Entituled an Act Concerning Runawayes be Continued and Confirmed, wth these following alterations, & amendmts ye every Certificate for takeing up any one, or more Servant, or servants, Runaway from his or her mast or mistris, before ye same be admitted into ye Assembly for allowance, shall make mencon of ye mast, or mrs their pper name & sur-name ye County where they dwell, time of takeing up ye sd Servt, & distance of place where taken up, from ye dwelling plantation of such Servts mr, or mrs together wth ye pper name, & sur name of such servt, & at ye same session of assembly, when such Certificate shall be allowed, ye like sum be assessed upon ye mr, or mrs, of such Runaway servt or servts for wch he or she shall be reimbursd by ye service of such delinqt Servt, according as by ye aforesd Act is pvided, for reimbursemt of ye publiq, and ye all such Certificates come proved from ye County Court as all other Claimes are enjoyned to be brought to ye Assembly for allowance &c

(2d) An Act declareing Maryland North Carolina Debts pleadable

Be it Enacted by ye Govr Councill and Burgesses of this Genll Assembly & ye authority thereof, and it is hereby En=acted, that all debts Contracted or to be Contracted in Maryland, or north Carolina, are & shall be recoverable in Virginia, in equall maner and by the same Law=full ways & means, as though ye same were or had been Contracted in Virginia, any law statute or usage heretofore to ye Contrary notwithstanding

(3d) An Act Reviving ye Act entituled, an Act for the advance=ment, of Manufactures of the groth of this Country &c

Be it Enacted by the Govr, Councill & Burgesses of this Genll Assembly, & the authoritie thereof & it is hereby Enacted, that ye 12o Act of Assembly made at James Citie the 10th day of Novemr, 1682, entituled an Act for ye advancemt of manufactures of the growth of this Country, & for ye better, & more speedy paymt of Debts & Leavies be revived and yt ye same be Continued in force three years from ye end of this Session, and after yt to ye end of ye then next Session of Assembly.

(4th) An Act Repealing ye 7o Act of Assembly made ye 8th day of June 1680.

Be it Enacted by ye Govr Councill & Burgesses of this Genll Assembly & ye authority thereof and it is hereby Enacted that the Act entituled an Act Restraining, striking and killing fish at unusuall times made at James Citty the 8th day of June 1680 be from henceforth Repealed and ye is hereby Repealed to all intents and purposes

(5th) An Act ascertaining days for Courts in Accomack County

Be it Enacted by ye Govr Councill, and Burgesses of this Genll Assembly & ye authoritie thereof, & it is hereby Enacted yt ye Court days for Accomack County, for ye time to come, be anually as hereafter foll (viz) the 3d tuesday in June, ye 3d tuesday in Septembr, ye 3d tuesday in Novembr, ye 3d tuesday in December ye 3d tuesday in February & ye 3d tuesday in March & yt ye sd days be Constantly observed, held & kept, as Court days &c Anually for ye time to come, any formr Law usage or Custome to ye Contrary hereof notwithstanding.

(6th) An Act Regulateing the sale of Tob hhds

This was an Act for all Coopers to weigh & marke every hogshead for tobaco by ym made, wth ye two first letters of their name, & ye true weight of ye hhd, upon peneallty of forfit=ing, 200lb of tobaco & caske for every hhd soe wanting or not justly weighed, it is now expired ye 10th day of 7ber 1690

(7th) An Act declareing ye 107th Act of Assembly made the 23d day of March 166½ to be in force:

Whereas severall doubts have arisen & doe dayly arise whether ye 107 act made at James Cittie ye 23d day of March 166½ entituled noe Seconds, or Slips be not repealed by a later Act of Assembly made at James Cittie ye 29th of Septembr 1664 entituled an act for liberty to plant, & divers persons doe thereupon endeavour to excuse as well their tending such seconds & Slips, as their packing, selling, & sending away ground leaves & other trash, with ye notion and Coulour, of being suffered to make ye benefit of their Labour, when indeed noe such trash was thereby ever intended to be permitted, & allowed,—

Be it Enacted by ye Govr Councill & Burgesses of this Genll

Assembly, and the authority thereof, and it is hereby Enacted That the said 107th Act of Assembly made at James Cittie the 23d day of March 166½ entituled noe Seconds or Slips, be now Continued in full force, power and vertue, with this alteration & amendmt, That from and after this Session of Assembly, every pson or psons, yt shall be found guiltie, of breach of ye sd Law, or any branch thereof, shall for such offence, forfeit Suffer and pay such forfeitures penealties & fines, as is therein mentioned and ordained to be forfeited, paid, and suffered, one moietie to our Soveraign Lord ye King, his Heyrs and Successors, for and towards ye better support of this his Majties Dominion of Virginia and the Contingent Charges thereof, and ye other moyety to him or them yt shall inform or sue for ye same, in any Court of Record within this his Majties Dominion of Virginia, by bill information plaint or other Action wherein noe Essoigne protection, or wager in Law, shall be allowed = And for ye better prevention of makeing such trash tobaccos, whereby his Matie is much injured in his Customes, and many frauds are put upon Merchants & others in England, by reason ye such Seconds, Slips and late planted Tobaccos, not haveing sufficient time to come to full growth, & maturity ye same proves in Genll to be damaged, by ye green=ness, thin=ness, and other ill qualities thereof, altho noe other wet or moisture then what it hath in its own naturall case come to ye same, and by reason of such damage, ye importer thereof pays little or noe Custome for it, & yet ye said tobo being cut & mixed with stalks, is comonly put to sale at under rates and thereby ye Comodity in Generall much under valued, and reduced to soe low a price in this Country, yt many or planters are & will be by reason thereof, Compelled to leave of planting tobaco, & to imploy themselves about

Husbandry and in making & improving severall manufac=tures with which this Country hath been alwayes heretofore furnished from England. Be it therefore further Enacted by ye authoritie aforesaid & it is hereby Enacted yt noe tobaccoes be planted, or replanted, after ye last day of June annually for ye time to come, and yt whosoever shall directly or indirectly, plant or replant or cause to be planted, or replanted, any tobacco after ye sd last day of June, shall for such offence forfeit & pay ten thousand pounds of Tob to ye uses aforesaid to be recovered in maner aforesaid. and for as much as severall persons strip ye stalks out of ye leafe of their tobaccoes in this Country, & then afterwards, ship ye sd tobacco stalks for England, wth intention to defraud his Majtie of his dutie here, & Customes there when it doth arrive, & ye price of Tob by ye practise, alsoe further lessened & diminished Be it therefore further Enacted by ye authority aforesd and it is hereby Enacted, yt whosoever shall ship any Tobo stalks from wch ye leafe hath been stript and taken away, for exportation out of this Country, shall for every pound of such tobacco stalks forfeit & pay fifty pds of Tobo to ye uses aforesd, to be recovered in maner aforesd

(8th) An Act for the better improoving the breed of horses.

Forasmuch as ye breed of large and strong horses in this Country, will not onely extend to ye great help and defence of ye same, but alsoe prove of great use & advantage to ye inhabitants thereof, wch now is much decayed & impared, by reason yt small stoned horses of low stature, & vallue, be not onely suffered to pastur-

and feed in our woods & other wast grounds, but alsoe to Cover & leap mares feeding there, whereof cometh a numerous breed, to y^e little profit, but great damage of y^e Country, and will further increase to y^e detrim^t thereof, unless some effectuall remedie be speedily provided to prevent the same.—For prevention therefore of soe great an evill, & for y^e increase & breed of better & stronger horses hereafter to be had in this Collony. Be it Enacted by y^e Gov^r Councill, & Burgesses, of this Gen^ll Assembly and y^e authoritie thereof and it is hereby Enacted, that noe pson, or psons, whatsoever after y^e last day of  July, which shall be in y^e year of our Lord 1687. shall have or put to food, into or upon any woodland grounds, Marshes, or other wast grounds, not having a sufficient fence about y^e same, any stoned horse or horses, being of y^e age of two years, and being of the high of thirteen handfulls, & an halfe, to be measured from y^e lowest part of the hoofe, of y^e fore foot unto y^e highest part of y^e withers, & every handfull to Contain four inches of y^e standard, upon the penalty & forfeiture of such horse, or horses, or four hundred pounds of tobacco & Cask, for every such horse w^ch shall be soe found, in, or upon, any such woodland grounds Marshes, or other wast grounds, at any time after y^e sd last day of July which shall be in y^e said year of our Lord 1687: Contrary to the true intent & meaning of this Act, and it shall be lawfull, to every pson, or psons y^t shall find any such horse, or horses, Contrary to y^e form of this Act, to seize y^e same in maner & form following

That is to say ye said pson, or psons, soe finding any horse, or horses, Contrary to this Act, in any woodland ground Marshes, or other wast grounds not haveing a sufficient fence about ye same, shall forthwith after his or their takeing up such horse, or horses, soe found, goe to some one or other of his Majties Justices of ye peace for that County, haveing alsoe with him, or them, such horse or horses, as he or they shall take up, and before him make proofe, by his or their own Corporall Oath and another single testimonie, at ye least, yt he or they did find & take up such stoned horse or horses as is aforsd running in such woodland grounds, Marshes, or other wast grounds as is aforesaid and ye after such sufficient proofe made ye said Justice of ye peace is hereby required and desired, then & there before him, to cause ye said horse or horses to be measured, & if it found yt ye said horse or horses, be contrary to this Act, and ye said Justice grant his Certificate thereof, yt then it shall be Lawfull to every such pson, & psons, to Challenge & seize the said horse, or horses, & every of them to his own use as his own pper goods & Chattles for ever, without inter=ruption, vexation, suit, or trouble, of ye owner or owners of them, or of any other psons, Provided always and it is ye true intent & meaning of this Act, that every pson or psons yt shall soe find, & take up such horse or horses, as is aforsd, & shall receive Certificate thereof in maner & form, as is afore-said, shall & doe forthwith give open notice, & knowledge thereof (by setting up his or their note, or notes, & therein expressing ye marks Coulour &

and brand, of such horse, or horses, as he or they shall so find & take up, at ye Court house door of ye County, & parish Church of ye place. Provided alsoe yt whatsoever owner, or owners, of such horse, or horses, soe found in any woodland ground marshes, or other wast grounds, as afore-said, shall or doth within two months, after such sufficient & open publication, as is above required and recited, come to ye person, or persons, who have according to this Act, soe found, & taken up his or their horse, or horses, and for every perticuler horse of his or theirs, soe taken up, shall tender to such person or persons 400 of Tob & Cask, to be imediately paid, or well secured to be paid, at ye next succeeding Crop, such owner, or owners, shall thereby ipso facto recover & redeem, all & every such horse & horses from ye penealties & forfitures that every such like horse, or horses, are otherwise lyable to by vertue of this Act, any thing in this Act heretofore contained to ye contrary thereof notwithstanding this act to continue in force seaven years from & after ye last day of July 1687 & noe longer

An Act Repealing the 7th Act of Assembly made at James Cittie ye 16th day of Aprill 1684

Be it Enacted by ye Gov Councill & Burgesses, of this Genl Assembly & ye authority thereof, & it is hereby Enacted, yt ye 7th Act of Assembly made at James Cittie ye 16th day of Aprill 1684 entituled an Act for the better defence of the Country, be & stand repealed, from & after ye last day of Novembr next to all intents & purposes and yt his Excellency ye Gover be desired forthwith to disband ye Officers & souldiers settled by ye said law at ye heads of ye four great Rivers

An Act Continuing ye imposition upon Liquors

118th Bee it Enacted by ye Gover Councill & Burgesses, of this Genll Assembly and by ye authority thereof, & it is hereby Enacted, yt ye 8th Act of Assembly made at James Citty, ye 16th day of Aprill 1684, entituled an Act for Lessening by ye pole, & laying an imposition upon Liquors, be & is hereby Continued in force for three years, from & after ye 29th day of Septembr, which shall be in ye year 1687

A true Copia Test Robert Beverley
Cle Assembly

At a Generall Assembly, begun at James Citty the 16th day of Aprill Anno 1691, and in the 3rd year of the Reigne of our Soveraign Lord and Lady Wm. and Mary by the grace of God, King & Queen of England, Scotland, France and Ireland, Defenders of ye Faith &c.

1) An Act giving Reward for killing of Wolves

Wher:as it is found by frequent experience, since the severall former Acts of this Country giving a reward for killing of wolves, have bin Repealed, and ye incouragemt. which incited many people to use their best indeavr. & industry to destroy them, wholely taken away, that wolves, have and doe greatly increase in number, and a frequent spoyle and distruction in every part of this Country, is by them made upon hogs sheep & Cattle, to ye great injury loss and damage of the Inhabitants, Be it therefore Enacted by their Majties Leivt. Govr., Councill, & Burgesses of this Genll. Assembly, & by ye authority thereof and it is hereby Enacted, That whosoever hereafter, shall kill or destroy, wolves either by gun, pit, trap, or otherwise, or means whatsoever, shall for every wolfe soe killed or distroyed, be paid in ye County, where the same is done by pit, or trap, three hundred pounds of tobo. & Caske, and for a wolfe killed by Gun or otherways, two hundred pds of tob & caske, for his incouragemt. and reward, any law Custome or usage to ye Contrary notwithstanding, provided always, and it is hereby intended, that whosoever shall kill a wolfe shall make proofe before the next Justice of ye peace of ye County, by his own Corporall Oath at least, or other sufficient proofe, at ye discretion, of ye Justice, who, when & where, he killed ye said wolfe and alsoe bring in his head, and take from ye sd. Justice of ye peace, a Certificate thereof, which being produced to ye Court, of ye County, ~~ye sd Court, to raise~~ at ye proportioning of the Leavy, shall be sufficient to cause ye said Court, to raise upon ye County, ye severall sums & rewards, before mentioned to be paid to such persons, as by such service shall deserve ye same &

An Act directing how publique Claimes shall be Certified for allowance

Be it Enacted by ye Rt. Hon.able their Maties Leiut Govr the Councill & Burgesses, of this present Genll. Assembly, & ye authority thereof, & it is hereby Enacted, That for ye time to come, there be Constant Courts held by ye Justices in each County, at some Convenient time before every every Assembly for proofe of such debts, as shall be due by Law from ye Country, and ye Certificates, togather with a full acct. of all prticulers claimed, and by what authority and for what services ye same became due, be issued by ye Clk of each Court, endorsed upon ye acct. claimed, & be delivered, to ye Burgesses of ye County in ordr to their allowance in ye Assembly which proofe shall be made at least by ye oath of ye pty claiming, or producing ye warrt. or Certificate, by wch he claimes, or other sufficient proofe and ye Court doe and are hereby enjoyned, strictly to inspect, & seriously to Consider every Article, of ye acct. soe exhibited, and regulate ye same according to law, and ye Clk in full of all fees due to him, for every pson ye claiming, and that Certificate granted, be allowed twenty pct of tob from ye Country, where ye claime amts to 100 lb tob or more, and if under, to be done ex officio, provided always that all Claimers intending, intending to receive benefit by this Act, doe & shall make proofe of their Claims as aforesd. and returne ye same to ye first or second succeeding Assembly after ye said claime become due, otherways to be excluded and barred for ever, and alsoe ye every other in this their Maties Dominion of Virginia, shall not for ye future have, or receive from ye Country, any sattisfaction for publiqe services, by him or them done, more then what is already set down, exprest, & ascertained in ye law, nominateing & appoynted there fees, and be it further enacted by ye authority aforesaid, and it is hereby enacted, that this shall be read, and published at every psh Church, in each County by ye Sheriff, of ye County

or his Deputy, on ye Sunday next preceeding such Court, and likewise that this act be constantly read by ye Clerk at ye first opening of every such Court.

3d) An Act prohibiting Ordinary keeprs to give Credit to Seamen and others

For asmuch as ye unlimited Credit, given by ye ordinary and tipling houses within this their Majties Country & Dominion of Virga to Seamen and others where they spend not onely their ready mony, but their wages & other goods which should be for ye support of themselves and their ffamilies, is found very prejudiciall and occa-sions many psons, newly free to runaway, to ye Neighbouring plantations, to the great disadvantage of this Country. Bee it therefore Enacted by the right honble their Majties Lieut Govr, the Councill & Burgesses, of this psent Genll Assembly, and the authority thereof, and it is hereby Enacted, that if any ordinary keeper, or master of any Tipling house shall after publication of this act, trust or sell drink, to any pson, or psons, who are not Masters of two servants, or visibly worth ~~worth~~ fifty pounds Sterl at least, more than the value of three hundred pounds of tobco, such Ordinary keeper or master of a tipling house shall loose all such overplus tobco, or mony, for wch they shall give such Credit, and in case any Ordinary keeper, or master, of any tipling house, shall take or get from any pson trusted as aforesd, any obligation bill or other security, for any sum above three hundred pds of tobco spent in one year under pretence of it for other goods, where any such fraud shall be disco-vered, or proved the sd Ordinary keeper upon Conviction be made incapable of keeping ordinary, and shall forfeit Double ye sum of such obligation, for Covenously taken one half to their Majties their heirs & successrs for and towards the better support of ye Govmnt, and ye Contingent Charges thereof, and ye other half, to him or them, that shall inform

and

and sue for the same, in any Court of Record in this Country by Action of Debt, bill plaint or Information, wherein noe Essoigne protection, or wager of Law shall be allowed.

And be it further Enacted by the authority afores'd and it is hereby Enacted, that if any Ordinary keeper or m'r of a tipling house, shall after prohibition, or being forewarned, by the m'r of any Ship, or vessell, tradeing to this Country, entertain any any Seamen, belonging to any such Ship or vessell, such Ordinary keeper or master of a tipling house, shall be for such offence lyable to y'e m'rs Compl'ts, wherein upon sufficient proof made, such damages shall be allowed, as is provided in the Act against entertainm't of other mens serv'ts, provided that this Act or any thing therein Contained shall not extend to the Ordinary keepers of James, giving Credit to any pson whatsoever, in y'e time of the Gen'll Court, or dureing y'e time of a Gen'll Assembly any thing afores'd to the Contrary notwithstanding.

(4) An Act to prevent the Casting of Ballast into Riv'rs and Creeks

Forasmuch as the throwing & casting of Stones, gravill and other ballast, out of the Ships, & Vessells Arriveing into the Rivers and Creeks & ports of this their Ma'ties Country & Dominion of Virg'a, is found very destructive, and dangerous, to y'e passage of Vessells Sloops, and boats, and a stopping to y'e Channells of y'e s'd Creeks, for prevention of w'ch mischief be it Enacted by the Lieu't Gov'r, Councill, & Burgesses of this Gen'll Assembly and the authority thereof, and it is hereby Enacted that from & after the 24th day of June now next coming, noe m'r, or m'rs, owner or owners, of any Ship, Sloop, boat, or other Vessell, or any other pson, or psons whosoever, doe cast or unload their gravill or ballast, at or in, any of the Rivers, Creeks ports havens or harbours, of this Country, but on the land only above high water mark, upon paine y't every such owner, or m'r, of any such Ship Sloop boat or other Vessell casting, or laying the gravill Stones or other ballast, or p'mitt

the Same to be cast, or laid, in any of the Rivers, Creeks or harbours of this Country, shall forfeit for every time soe offending the Sum of ten pounds sterling, one halfe thereof to be their Majties their Heyrs and Successors, for and towards the better Support of the Govmt, and the Contingent Charges thereof, and the other halfe to him that shall Sue for the Same, in any Court of Record within this their Majties Dominion, by action of Debt bill plaint or information, wherein noe Essoign, wherein noe Essoign protection or wager of law shall be allowed.

Provided alwayes never the less that if it shall hereafter appear to the Justices of the Court of any County within this Dominion in which any Ship, or Vessell, shall happen to ride, that the throwing or casting of ballast into the Road or River within such County, shall be of advantage to such Road or River, for the better Mooring & Securing of Ships and Vessells there, it shall & may be lawfull in Such case, for the Justices of the peace of Such County upon Request of the mrs of such Ships, as shall usually ride and moor in such Roads and Rivers as aforesaid, to permit Suffer and give liberty by an order of Court to Such mrs, as in manner aforesd, shall Request ye same, to throw and Cast over their ballast into Such Road, or River any thing afore in this Act Contained to the Contrary Notwithstanding.

7) An Act directing how Sherds and other Collectors shall Act for Publique Dues

Whereas severall persons have been & still are lyable to be prejudiced, by ye Sherds and Collectors of ye publique County & parish Leavys, who often take their own advantageous times to demand & receive the publique dues, and other Collections for wch they may in severall Cases make seisure & distress for prevention whereof for the future, be it Enacted by the Rt Honble their Majesties Lieut Govr the Councell & Burgesses of this present Genll Assembly and the authority thereof

And it is hereby Enacted that the 8th Act of Assembly in the printed book limitting a certain time when Creditors shall demand their debts, shall be interpretted, & holden to extend to Sherr, and other Collectors of the publique County, and parish Leavies, and of all Sherr and Clerks fees, and also that all or publique County, & parish debtors, and all debtors, of or for other or Clerks fees, may have the benifitt, and liberty of ye 2d Act of Assembly, in the year 1666, which admitts of tenders of tobacco to the Credit, according to the full intent meaning and purport thereof; And be it further Enacted by the author aforesd, and it is hereby Enacted, that in case of Collecting the publique County, or parish dues or other fees as aforesd any Sherr or Collect, shall at any time make seisure or distress of more tobaccos, than are at that time due from ye debtor that in all such cases, the persons seising, shall make imediate satisfaction to ye party from whom they shall make such seizure, or otherway if he be allowed to take up overplus tob out of the tend for seizd, and that noe Sherr or other Collector may or shall from and after publication of this Act, presume to make seizure of any tend of tob before ye time said away & markd if there be at that time other merchantable tobaccos ready in such plantation where such seizure is made and which shall be offerd, and tendered by the debtr and be it further Enacted by ye authority aforesd, and it is hereby Enacted, that all Sherr, and Collectors of publique County & parish Leavies shall on or before the 31th day of January yearly produce & present to ye Justices of ye peace of ye County of wch he is Sherr or Collect at such Convenient time as the sd Justices shall appoint his the sd Sherr or Collect book kept by him of his whole Collection, as well of all publique dues as aforesd, as also all Sherr or Clerks fees or private debts put into his hands to collect and Collected together with ye publique dues as aforesd, together with ye true full and perfect acct, of quantity quality, & weight of all tobaccos Recd by him, as well for ye publique, County and parish, as for Sherr fees, Clerks fees, and private debts with a true acct from whom the same was Recd and where the same was shipt

which said acct is to be deliv'd upon the oath of each respe-
ctive Sherr, and Collect, and to ye end and the end the publique Credits of
this County may be well answered and discharged, the Justices of each
County are hereby impowred and required, thoroughly to examine the
said acct, in ye presence of the said Creditors, who are to have notice
of time of examination of the said acct, at ye preceeding Court held
for the said County, and that the said Justices order, and apoynt to each
of the said Creditors, and to the other persons Concerned in Sherr, and Clea
fees, and private debts intermixt, in the Sherr, and Collects books of
acct, their and every of their, due pts and proportion, of ye tobaccos
Reced & accounted for as aforesaid having due regard to ye quality
& Convenience, of the sd tobaccon to the end, each person Concerned may
have equall right, therein, and yt it shall not be lawfull for any
Sherr, or Sherriffs, publique Collector or publique Collectors, to Con-
vert to his, or their own use directly or indirectly, any part
or parcell of ye tobaccos soe received or Collected or to be rec'd, or
Collected by him or them, untill ye acct thereof be presented exa-
mined and ordered as aforesaid under ye penalty of ~~[illegible]~~ forfeit-
ing four times the value of such tobaccon soe Converted to his own
use, one 3d pt of wch said forfeiture shall be to their Majties their Heirs
and Success, towards ye better support of the Government of this their
Majties dominion of Virga, and ye Contingent Charges thereof, one
3d pt to the Govr of this their Majties Dominion of Virginia, &
the other 3d pt to him or them that shall sue for the same in
any Court of Record within this their Majesties Dominion
by bill information pleint or other action wherein noe Essoign
protection or wager of Law shall be allowed, Provided al-
ways that it shall and may be lawfull, to and for such Sherr
and Collects, and they and every of them, are hereby required to
discount, wth all and every ye Creditr, and Credits, of ye publique
County, and parish leavies, the full sum and quantity, due to them
of ye said leavies, out of his their or their leavies, due from
them to the publique, County and parish ~~leavies~~ without
allowance for ye same, provided that all and every ye Sherr
Collectrs aforesd shall be lyable to make good all tobaccon
to be received by them as aforesaid if it shall apear that the

Same, or any part thereof shall be rotten, unsound, insufficient, or not merchantable, within ten days after the same shall be ordered, and appoynted to the Creditor, as before is directed, after which time all the said tobaccos shall lay and be on the Creditors acct & hazard. Provided also that nothing herein shall be Construed, deemed or taken to extend to their Majesties Quitt rents, or other dues, but the same are excepted out of this Act.

(6) An Act reviving the Act for advancement of the Manufactury of the Growth of this Country

Whereas an act of Assembly was made, in the year 1682, Entituled an act for the advancement of manufactury of the growth of this Country, and for the better and more speedy payment of debts and Leavies to Continue in force till the tenth day of November 1685, and noe longer, and the same Act was on the 20th day of October 1686 revived, and Enacted to Continue in force three years, from the end of that Session and after that to the end of the next Session of Assembly now for as much as it hath since by experience apeared, the same is a good, and wholesome law, and very beneficiall to the people of this Dominion, Be it Enacted by their Majesties Lieut Gov Councill and Burgesses, of this present Gen.ll Assembly and the authority thereof, and it is hereby Enacted, that the said Act shall remain Continued, & be and every branch Article and provisoe therein Contained, revived and from henceforth Continue, stand and indure, in force and strength to all intents Constructions and purposes, and shall be observed and kept in all things, according to the tenr, effect, and true meaning of the same. This act to Continue for the space of three years, and from thence to the end of the next Session of Assembly.

(7) An Act reviving the 6th Act of Assembly made at James Citty the 20th day of October 1686, Regulating the laying of tobacco &c

For the prevention of abuses frauds and deceipts, dayly practised in ye passing away tob.co hhds, at a much lighter tare than really they weigh, and for remedy of the great damage done, and suffered by tob.co being putt in hhds made of green and unseasoned timber, or such thin and slight staves and hoops as will not endure rowling to the water, Be it Enacted by their Maj.ties Lieut Gov.r Councill, and Burgesses of this p'sent Gen.ll Assem=bly, and the authoritie thereof, and it is hereby Enacted, that ye 6th Act of Assembly made at James Citty, the 20th day of Octob.r 1686, Entituled an act Regulating the tare of tob.o hhds be now revived, and put in force, wth the sev=all expla=nations clauses and addicons as hereafter shall be exprest that is to say, that all and every tob.o Caske, in ye sd Act, directed to be marked, or branded, wth the first letter of ye xpen name, and ye first letter of ye surname of the pson, or psons yt shall sett up the same, be and shall be for him to come respectively branded with an Iron brand, and noe other, in such places & in such maner, as in the said Act is exprest and sett down, and yt ye true intent meaning and sence of ye said Act for ye future be soe deemed taken and held by and in all and every Court of Judicature wthin this their Maj.ties Dominion of Virginia, which shall hereafter have occation to give Judgmt in ye same. And be it further Enacted by the authority aforesd, yt all and every tob.o hhd, made & set up from & after ye publication of this Act be made of dry & well seasoned timber, and sett up in strong & substantiall hoops, according to the size Dimencon, & seasoning hereafter mentioned & sett down, that is to say all and every stave belonging to any tob.o hhd, or other tob.o Caske in wch tob.o are packt away or put to sale, shall be at least ye thickness of one third part of one inch, on the thinnest edge thereof and be made of such dry and seasoned timber, as hath bin fallen & hewed three months at least, before the

making and setting up thereof, And that all and every Cooper or Coopers, or other p[er]sons whatsoever, who from and after publication of this Act shall p[re]sume to work up unseasoned timber, not being fallen & hewen three months at least and thereof make use in the staves or heading of any tobacco Caske whatsoever, shall for every tobacco Caske thereof made and set up, forfeit and pay five hundred pounds of tobacco, and alsoe that every planter or planters or other p[er]sons whatsoever, that from and after publication of this Act, shall pay away or put to sale, any tobacco whatsoever in any tight or Caske whatsoever, but such as shall be made according to the directions & true intent & meaning of this Act shall for every such Caske forfeit and pay 1000 lb of tob[acc]o one moyety of ye s[ai]d fines and forfeitures, to be to their maj[es]t[ie]s their heyres & success[ors] for and towards ye better support of ye Gov[ern]m[en]t and the Contingent Charges thereof, and ye other moyety to him or them, yt shall sue for ye same in any Court of Record in this their Maj[es]t[ie]s Dominion of Virginia by bill Information, plaint, or other action wherein noe Essoigne, protection, or wager of Law shall be allowed — And forasmuch as divers differences & disputes have arisen & may hereafter arise about ye allowance of thirty pounds of tobacco for every tob[acc]o Caske where ye Specialty of the debtor, or agreem[en]t of ye Contract of or for tobaccos, doth or shall express, tobacco & Caske and thereupon advantage may be taken of the planter to ye utter losse of his Caske, Contrary to the intent and meaning of this Act * Be it Enacted and declared by the authority aforesaid yt all and every Creditor Buyer or Receiver or other p[er]sons whatsoever, yt receive tob[acc]o tob[acc]o in Caske for ere satisfaction of any bill bond

purchase Contract or other act, whatsoever (whether the Same express Tobacco & Cask or not) shall refuse or deny to abate deduct, or otherwise satisfie and make paymt of thirty pounds of tob.co for every hhd unto ye pson or psons of whom he shall receive the Same, and at ye time he doth receive it of ye debtor, seller, or payer away, shall for every such offence forfeit and pay to ye pty injured ye Sum of five hundred pds of tob.co, to be recovered by Action of Debt in any Court of Record within this their majtys Dominion of Virginia, any Statute usage or Custome to ye Contrary notwithstanding — This Act or any thing therein con-tained, not to be Construed or taken to extend or relate to any bill bond or obligation already taken for any Debt contracted before the publication of this Act. This Act to Continue in force three years & noe longer.

## (8) An Act for Ports &c

Wheras their Majtys Customs and Revenues of this their Dominion of Virga by the psent wayes of landing and Shiping of all sorts of Merchandising goods inward and all tobaccos & other goods outward, whether for England or elsewhere, are rendered impossible to be Secured, to bee duly paid into the hands of their Majtys respective Collectrs and other officers thereto apoynted and Comissionated to receive ye Same, great oportunity being thereby given, to such as attempt to import or export goods, or merchandises without entering or paying the duties & Customs there-upon, much practised by greedy and Covetous psons respecting more their private gains and Comodities than their duties and Allegiance, or ye Comon profit of their Majs good Subjects to ye aparent diminution of their Majs Revenues, and great discouragemt of those who duly pay the Same, wch abuses canot be better prevented than

Apoynting certain lymitted ports, wharfes Keyes and places for laying on Shoare, and loading on board all goods tobaccoes & other merchandises to be exported out of and imported into this their Maj^ts Dom^n of Virg^a, for preventing w^ch frauds and abuses for ye time to come:

Be it Enacted by their Maj^ts Lieu^t Gov^r Councill & burgesses of this p^rsent Gen^ll Assembly and ye authority thereof and it is hereby Enacted, That from & after ye first day of Octob^r w^ch shall be in the year of our Lord one thousand six hundred ninety two all ships Barques & other Vessells whatsoever arriving into or saylinge out of this Country for trade, shall unloade & put on shore and from shore to put on board, all tobaccoes goods & Merchandizes at some one, or other of ye ports, wharfes keyes or places hereafter mentioned in this Act, and at none other place or places whatsoever, under ye poenalty of forfiture of such ship barque or other vessell w^th all her guns tackle amunition furniture and aparrell, And be it Enacted by the authority aforesd and it is hereby Enacted, ye all goods wares & merchandises of w^tsoever nature kind or condition, w^ch shall be imported into or exported out of this their Maj^ts Dominion of Virg^a after the sd first day of October Anno 1692, shall be landed & laid on shoare at some one of ye ports or places hereinafter mentioned, and there & at none other place or places whatsoever sold and bought, and whosoever shall p^rsume to buy, sell, land, or lay on shoare, (unless in case of wreck to preserve the same,) any goods or merchandises whatsoever to be imported or exported as aforesd at any other place or places then some one of the ports, wharfes keyes or other places or places hereafter named in this Act, shall forfit and loose, all such goods wares & merchandises as shall in

other maner then is by this Law directed, be Landed or laid on shoar, brought from Ship or Received, or taken on board any Ship barque or other Vessell whatsoever as aforesd — And be it further Enacted by ye authority aforesd and it is hereby Enacted, that for ye better Securing all tobaccos goods wares and merchandises wch shall be brought to and landed at ye ports Wharfes keyes and other places by this Act named, for Reception and Landing thereof, the Justices of each County are hereby authorized Commanded and impowered within three months after publication of this Act to appoynt & Comand the Surveyor of each County to lay out and Survey fifty Acres of Land, at such place and places as are hereafter in this Act, named appoynted and sett down for the ports wharfes keyes & places for Receiving on Shoar, and Shipping all goods tobaccos wares & merchandises as aforesd, and for ye Erecting, Ware houses or any other Houses, for ye better Securing all such goods, tobaccos Wares & merchandises to be imported, or exported as aforesaid — And be it further Enacted by the authority aforesd and it is hereby Enacted, that if any owner, or owners, or other possessors, where the owners are absent of such Lands, as are by this Act hereafter appoynted for a port Wharfe key or place as aforesaid, shall not be willing to agree for and sell such Land at such price as shall be by the Justices aforesd, by them & in such case at ye request of ye sd Justices, their Majts Gov for the time being is hereby desired & impowered to issue forth his Warrant or warrants, directed to the sherriffe of some Neighbouring County thereby Commanding him to impanell twelve of ye most able & discreet freeholders of his Balliwick, in Convenient time to goe upon ye Land appoynted by this Law for a Town, Port, Wharfe key or place of Landing goods Wares or merchandises, to be imported, or exported, and upon their Corporall Oaths to

vallue

Value the same at ye true worth, having regard to
the inconveniency that may happen to ye owner, by reason
of ye sale thereof, in ye best of their Judgmts, which worth
or value, by them soe made & found, shall be paid &
satisfied, or well secured to be paid & satisfied, ye next suc-
=ceeding Crop, to ye owner, or owners, Gardian Attorney present
possessor or possessors, by ye Inhabitants of ye County where
such Lands lie, to be by vertue of this Act, Leavied by
the Justices of ye County, or any four or more of them
(whereof one to be of ye Quorum) upon the Inhabitants
of ye County by ye pole, on every tithable in maner as ye
Charges are or have been heretofore usually paid &
leavied that in Consideration of such sum or sums of tob
assessed by ye Jury, or as soe much as ye Jury as aforesaid
shall value ye said lands to be worth, such owner or or
owners, Gardian, Attorney, present possessor or possessors or
shall well and sufficiently Convey & assure, unto such person
or persons, as ye County Court shall appoint Feoffees in trust
a good and absolute Estate in Fee of & in ye said fifty
Acres of Land in trust and Confidence, and to & for ye uses
intents & purposes herein after mentioned, that is to say to ye
uses intents and purposes, & ye Feoffees out of ye sd fifty Acres
of land Convey and assure to any person requesting ye
same, and paying and reimbursting ye County, pro rato.
what ye same at first Cost, the like good and sufficient
Conveyance at assurance in ye Law, unto such person or persons
their Heirs and Assigns for ever, one or more half Acre
or half Acres, but under such Consideration, that such grantee
his Heyrs or Assigns, shall within ye Space of four months next
ensuing such grant, begin & without delay proceed to finish
=ish on each half Acre granted to him one good house
to containe twenty foot square at least whereon if he
failes to perform then such grant to be Void in Law and
the

the Lands therein granted be lyable to the Choyce and purchase of any other person, and be it farther Enacted by the authority aforesaid and it is hereby Enacted, that in case where the owner proprietor, or his heyrs, or her Gardian or Gardians or known Attorny or Attornys, where such owner or owners Propriet, or Proprietors, shall be under full age, or out of ye Country or County where such land lyes appoynted by this Act to ye uses aforesaid, shall upon tender of paymt or security for ye paymt ye next Succeeding Crop, of ye Vallue or Consideration of ye purchase of ye sd Lands soe Assessed as aforesd refuse to make such Assurance and Conveyance as by this Act is appoynted & directed, such denial or refusal shall ipso facto, be taken for a forfeiture of ye said Lands, to ye feoffes or trustees appoynted or intrusted by the Court as aforesaid proof thereof being first made in the County Court where the lands lye, & ye imediatly from & after such refusal as aforesaid, it shall and be lawfull, to and for ye said feofees or Trustees into and upon ye said fifty acres of Land to enter and ye same to have hold Occupie and injoy as of and Estate in fee, to and for the uses intents & purposes aforesaid — And be it further Enacted by the authority aforesaid and it is hereby Enacted, that imediatly upon such entry ye said feofees and every of them, are and shall be seized of & in a pure absolute perfect and indefeasible Estate of Inheritance in fee, in trust, & to and for ye intents uses and purposes aforesaid, and such Conveyances or grants as shall be made by them, of any of ye said Lands according to the power and trust in them by this Act reposed and given shall be adjudged Deemed, and taken, to be good, valid, and effectual in law, to all intents and purposes whatsoever, as if the said grants were made by ye true and rightfull owner proprietor or possesr of ye same, any law Statute or Custome to the or Contrary hereof notwithstanding — And be it further Enacted by the authority aforesd, and it is hereby Enacted that

That the Surveyors appoynted to lay out ye fifity Acres of land shall have for the same, and for delivering to ye County a fair plot thereof four hundred pounds of Tobacco & Cask to be paid by each County, and for every half acre, and giving a plot thereof twenty pds of tobacco to be paid by him shall imply him, and ye such Surveyor appoynted to lay out the whole fifity Acres of land, as shall refuse or neglect upon timely notis thereof given to him to lay out any one or more half Acre or half Acres of land for the respective purchasers thereof, or demand more pay or allowance for his so doing, and giving a plot thereof sufficient to ground ye Conveyance upon, in ye bounding and expressing ye lines of ye sd one or more half Acre, or half Acres of land, then what is by this Act allowed, shall upon proofe made pay to ye pty so agrieved five hundred pounds of tobacco and Caske to be recovered by Action of Debt, bill, or plaint, in any Court of Record within this their Majts Dominion of Virga. — And be it Enacted by the authority aforesaid that these severall nominated ports, wharfes, keys, and places hereafter named and set down, be are, and shall be ye severall and Respective Ports wharfes, Keys, and places Constituted and appoynted by this Act, for ye uses intents & purposes before named That is to say

For Charles Citty County at Flowerdo hundred over against Swinyards where it was by a former Law apoynted and accordingly laid out and paid for, and severall dwelling houses and ware houses built.

For James Citty County, at James Citty

For Nantzemun County at Huffs poynt where formerly by Law apoynted, and accordingly laid out, and paid for; and built upon pursuant to the said Law.

For Elizabeth Citty County on the west side of Hampton River on the land of mr Wm Wilson, lately belonging to mr Thomas Jarvis Decd ye plantation where he lately lived and ye place appoynted by a former law, and

Severall dwelling houses and Ware houses already built.

For Lower Norfolk County on Nicholas Wis his Land, on ye entrance of the eastern branch of Eliza River, being the land appoynted by a former law, and accordingly laid out and paid for and Severall dwelling houses, and Ware houses already built.

For York County on mr Benjamin Reads Land begining at the lower Side of Smyths Creeke, and soe running down=wards by ye River towards the Ferry.

For the upper part of York River at wests poynt to be paid for by ye County in which it lies.

For Gloster County at Tindalls poynt part on the land of Colll Laurance Smyth, and part on the land of mr Robert Bristow

For Middlesex County on the land belonging to Ralph Wormley Esqr on ye west side of Nimcock Creek, and over agt ye Plantation where he now liveth formerly laid out by ye Surveyor of the County according to the direction of the Act made in Ano 1680 Entituled an Act for Cohabitation and incouragemt of trade and Manufacture, and fully pd for to ye sd Ralph Wormley Esqr at ye price set by ye said Act, and a good Sufficient Ware house built thereon.

For Rappahanock County at Hobs his hole the said land laid out by a formr law, and paid for, where the Court house Severall dwelling houses and Ware houses are al=ready built.

For Stafford County on the land where Capt Mallichy Peale now liveth called Potomoke Neck.

For Accomack County at Accomack, at Colvert Neck formerly laid out pursuant to a formr law made in Ano 1680, where ye Court house, Severall Dwelling houses, and Ware houses are already built.

For Northampton County on one of the branches of Cherry Stone Creek, on ye land of mrs Anna Lee the daughter of Captt Hancock Lee, now in ye tenure of ye Widow of Andrew Small.

For Lancaster County on the Land where mrs Hanah Ball now liveth Scituate on the western side of the mouth of Corotoman River.

For Northumberland County on Chicacoane River, on ye Land of mr Spencer Mottrom formerly laid out for a town — According to a former Law.

And that the places hereafter nominated, may be & are hereby apoynted to be places for buying and selling of all maner of goods wares and merchandises, under ye same limitations, and Conditions, as are mentioned to be observed and performed, in setling and apoynting ye ports aforesd but shall not have liberty to Land from on board any Ship or Vessell, at their first importation, or Ship of in order to ye imediate exportation, any goods wares or Merchandize, but only to and from, some one of the Ports before in this Act mentioned, — that is to say

For Henrico County at Bermudoe hundred poynt on the Land belonging to the Wife of John Woodson

For the Isle of Wight County at the mouth of pagan Creek formerly laid out for a town by ye name of Patesfield, and paid for and houses built upon it.

For Warwick County County at the mouth of deep Creek as by a former law, apoynted and laid out by the name of Warwick town, and paid for by direction of the said Law, and Severall houses there built, together with a brick Court House and prison.

For Surry County at the mouth of grays Creek, on the lower side thereof.

For Westmerland County, on the Land of Capt Wm Hardidge where he now liveth, on the Mouth of Nomony a place formerly appoynted by Law.

And be it farther Enacted by the authority aforesd it is hereby Enacted ye from & after ye first day of Octobr 1692 noe Tobacco Wares or merchandise, Shall be taken on bord any Ship Barque or Vessell whatsoever from any part of

this their Maj^{ts} Dominion, in order to be exported in the said Ship barque or Vessill, but what shall come directly from some one, or other of the ports Wharfs Keys or places menconed in this Act, nor unless y^e same tobaccos or other goods soe taken on board from such place or places, allowed of by this Act, be first entered with y^e Collector, or Officer duly appoynted, to Collect, receive & secure y^e Customs, and a Cockquitt or Certificate thereof produced from him, of such entry made, together with the marks and numbers of such tobaccos goods wares or merch^{tt}dises, soe entered for exportation in such Ship, barque, or other Vessill as y^e same is intended to be put on board, under y^e pain and penalty of forfiting such tobaccos, goods, wares, or merchandises as shall be put on board any Ship, Barque, or Vessill, and not coming directly from such port Key or Wharfe, mentioned and allowed in this Act, and due entry made thereof w^{th} y^e lawfull Officer, according to the direction and true intent and meaning of this Act. And for the better preventing and discovering of frauds and abuses Be it Enacted by y^e Authority aforesaid, and it is hereby Enacted that all tobaccos Skins furrs goods wares or Merch^{tt}dises, that shall be found on board any Ship Sloop boat or other Vessill, that hath passed by any of y^e ports menconed in this Act, after the takeing on board any such goods wares or Merch^{tt}dises and hath not a permitt, from the Collector or other Officer of y^e Customs of y^t district for y^e same declaring to what port or place they are to be carried, shall be wholly forfeited one 3^d p^t of all w^{ch} fines forfeitures and penalties before menconed to be to their Maj^{ts} their heirs & success^{rs} towards y^e better support of this their Maj^{ts} Dominion of Virg^a and the Contingent Charges thereof one third part to y^e Gov^r here, and y^e other 3^d p^t to him, or them y^t shall inform, and sue for y^e same, in any Court of Record w^{th}in this their Maj^{ties} Dominion of Virg^a by bill information, plaint or

or other Action, wherein noe Essoigne protection or wager in Law shall be allowed, Provided alwayes that it is the true intent & meaning of this act, that any place already laid out & appoynted by any former Law, & now by this Act againe appoynted, & confirmed, to be one of the ports, Wharfs Keys, and places of trade and landing of goods and merchandize to be imported, or for shipping tobaccos or other goods & Merchandize to be exported, wherein any thing hath been heretofore done & Acted, pursuant to such Law, the same shall bee is deemed & held good, & Valid in Law, anything herein, or in any other law, order Usage or Custome to the Contrary thereof in any wise notwithstanding Provided alwayes that in case of death, or departure out of this Dominion of any one or more who shall be appoynted by vertue of this act, a ffeoffee or ffeoffees in trust as aforesaid, that then it shall & may be Lawfull to & for the Justices of the Court where such death or departure shall happen & the aforesd Justices are hereby impowered, to Constitute and appoynt in the place and roome of such ffeoffee or ffeoffees soe departed one or more ffeoffee or ffeoffees for the uses intents & purposes aforesd. Provided alsoe that in case any land to be laid out by force of this Act for a port, Wharf, Key &c shall be in the tenure & Occupation of any tenant by Curtesie that in all such Cases the fourth part of the Consideration for which the aforesaid land shall be appraised shall be paid and satisfied to the said tent. by the Curtesie & the other three fourth parts paid or secured to be paid to

him

him who hath the ffee thereof, any thing herein or by any other law order Usage, or Custome, to the Contrary thereof in anywise notwithstanding. And be it Enacted by the Authority aforesaid, and it is hereby Enacted, That for the better security of the Ports aforesaid, and their Mass, Customs there arising, and towards the better maintenance and Encouragemt of a Learned pious Ministry, and advancemt of Learning, & towards ye Lessening the Leavie by ye pole, there shall be answered, and paid to our Soveraign Lord & Lady King William and Queen Mary for and during their naturall lives, and ye life of the Survivor of them, to & for the Uses intents and purposes, in this Act mentioned & declared, and to & for noe other uses intents or purposes whatsoever, to be received by such Collector, or Collectors, Officer and Officers, as shall be thereto appoynted, and in such manner as is herein appoynted, and noe otherwaise, such duties Customes, & imposts, upon the following goods wares and merchandizes, that shall be exported, and carried out of this Maj.ts Dominion, either by Land or Water, from and after the first day of June next ensueing as followeth, that is to say for every raw hide one shilling, for every tan'd hide two shills, for every buck skin drest, or undrest eight pence, every doe skin drest or undrest ~~eight~~ four pence, every pd of beaver eight pence, every Otters skin six pence, every wild Catt skin three pence, every mink skin two pence, every fox skin three pence, every Raccoon skin one penny every dozen of Muskrats skins, six pence, every Elk skin one shill for every pound of Wool six pence, for every pd of Iron one penny, which said duties, Customes, and imposts, are to be satisfied & paid, by ye person or psons, exporting, and carrying out ye same, either by Land or Water, to ye Collector, or Collect

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appoynted to receive the said dutys Customs, and imposts before ye sd goods wares or Merchandize shall be shiped of exported, or carried out of and from this Dom, either by land or Water and a Certificate thereof obtained from ye Collectr or Collects or province, where such goods wares, or merchan=dize, shall be soe exported or carried away, signifying ye payment and sattisfaction of ye dutys, Customes, & imposts aforesd under ye penallty of forfitting all such goods wares and merchandize, wch shall be shiped of, or loaded on board any boat, sloop, ship, or other Vessell, in order to exportacon by Water, or endeavored to caried out of this Country by land and the full vallue thereof, + And be further Enacted by the authority aforesd, & it is hereby Enacted, that if it shall at any time hapen, that any of ye sd goods wares or Mer=chandize, shall from & after ye sd first day of June, be transported, Conveyed, or shiped out of this their mats Do=minion, by any pson or psons, before ye said dutys Customs or imposts, are duely paid and satisfied and Certificate ob=tained for ye same, as aforesaid, and ye ye said pson, or psons who shall be thereof lawfully Convicted, either by their own confession, or by other good, and sufficient evidence, shall forfit and pay double ye true vallue of all such goods wares and Merchandize, And if any mastr, Marriner, sea=man, boatman, carrier, or other person whatsoever, shall be privie to such fraud, and assist therein, he or they, and every of them upon due conviction thereof, shall forfit and pay for every such offence, fourty pounds sterl mony, one 3 part of all wch penalltys, and forfitures shall be to their Majs, their Heirs & Successrs, to imployed towards ye better defence of ye ports, and supplying ye Country wth Armes and ammunition, one other third part towards ye better main

remainder of the ministry of this Country, and one other third to him or them, that shall sue for the same, in any Court of Record within this Country, by bill, plaint, Information or other Action, wherein no essoigne protection, or wager of Law shall be allowed, and for the better Collecting, securing, and receiving all and every the duties Customs, and imposts aforesaid, Be it further Enacted by the authority aforesaid, and it is hereby Enacted, That the Right Honourable the Lord Governor for the time being or the Governor, or Comander in Chiefe of this their Majesties Dominion, for the time being may be impowered, & desired, to nominate Constitute and appoint, such and soe many Collector and Collectors, in all & every the ports places, and districts of this Country for the receiving securing, and Collecting, all and every part of the said duties, Customs and Imposts, upon all & every the goods wares, and merchandises aforesaid as he with the advise of the Honourable Councill, shall think fit & convenient, which said Collector, and Collectors, are hereby impowered to demand secure, and receive, all & every the duties Customs and imposts, before mentioned with full power to goe on board, any boat Ship or other Vessell, or into any house in the day time, where he shall have just cause to suspect any fraud, to be comitted and done Contrary to the true intent & meaning of this Act, and for the better discovery thereof to Serch any house Ship or Vessell, or other place, and upon Oath or Information made to a Justice of the peace, of a fraud Suspected, to be Comitted and his Warrant obteined for detecting the same, in the presence of a Sheriff or Constable, in the day time, upon refusall of the owner or possessor, the Doors of all, and every such house, or houses to break open, and to break open any Chest trunk Cask or any thing whatsoever in which any of the goods wares or merchandises aforesaid are suspected to be packed & Concealed an

upon finding and discovering any such fraud & deceit as afores^d^
all & every such goods Wares and Merchandises, to seize & take
into his or their possession, and secure to the forty uses intended
purposes aforementioned, and all maner of persons are hereby
required to be aiding and assisting to the Collect^r^, & Collectors
his and their Officers, the inform^r^, discoverer and seizer of
such goods Wares and merchandises, exported or indeavored
to be exported contrary to the true intent & meaning of this
Act, and the all and every Collector & Collectors afores^d^
shall & are hereby required sometime in April & Octob^r^
Gen^l^ Courts, yearly to render a true & just acc^t^, upon Oath
and make paym^t^, of all, & every such Sum & Sums of money
as they & every of them shall receive & Collect, for the du-
ties & penalties by this Act imposed as afores^d^, to such person
and persons, as shall be named, impowered and appointed
by the Gen^l^ Assembly, who is hereby impowered to acc^t^
w^th^ every such Collector and Collect^rs^, and to demand re-
ceive and take of and from them & every of them all and
every the Sum & Sums of money arising due, upon the s^d^ Coll^r^
and Collectors acc^t^, and to give him or them the allowance
of six per Cent out of the same for his trouble & pains
taken therein, and for so much to give him or them suf-
ficient discharges, and the the person or persons who shall be ap-
pointed to receive the moneys arising by the s^d^ Duties and
penalties as afores^d^ from the Collect^rs^ thereof as afores^d^
shall & is hereby authorized and required, to keep & re-
tain the same in his own Custody and possession, untill he
shall be ordered and required to pay & dispose of the same
in maner and by such order Warrant and direction as
is hereafter mentioned, w^ch^ shall be sufficient to discharge
him of so much as he shall from time to time pay

and pay as aforesd, and shall be allowed upon his acct, which he shall & must make of ye same, to the next succeed=ing Assembly, and soe to every Assembly successively, for which the sd pson, or Treasurer shall be allowed, four pcent for his trouble and pains therein, and yt in Case ye pson or psons to be named to receive ye sd Dutys Customs & imposts from ye sd Collector & Collectors shall during ye intervall of Assemblys, die or depart out of this Country, that in such case ye Govr, or Comandr in Chiefe for ye time being wth ye advice of ye Councill shall shall be impowered & are hereby desired, to nominate constitute & appoint another sufficient pson to supply his or their places, wth ye like power, untill ye next succeeding Assembly, who shall have power to call to acct, and recover of ye Heyrs, Exectrs, Admrs and Estate of ye pson, or psons, who shall die or depart ye Country as aforesd, having any of ye moneys arising by force of this Act in his or their Custodie or possession all every such sum & sums of moneys to & for ye use aforesd

And be further Enacted by ye Authority aforesd & it is hereby Enacted, That all sum & sums of moneys, and every part & pcell of ye same, arising by Vertue of this Act shall be devided in three equall parts, one pt whereof shall be to our Sovereign Lord & Ladie ye King & Queens Matys their Heirs & Successrs, to & for ye support of the Govmt, in providing Armes and Ammunition for ye bet=ter defence thereof and building and maintaining conve=nient Fortifications, for ye defence of Ships arriving in[illegible] ye sd ports, to be pd by ye treasurer or treasurers, to be app=ointed, by Vertue of this Act, to such pson, and psons, & in su[illegible] order & maner, as by ye Genll Assembly shall be from time to time ordered and appointed, and noe otherweiyes, another third pt thereof towards the maintainance & incouragemt [illegible] a learned & pious ministry, to be equally distributed amon[illegible]

the ministers of Gods word, being ye Incumbents of ye Severall pishes in this Country, in equall proportions, and that all and every Church warden, & Churchwardens, with ye major part of every Vestry and Vestrys, of every respect. parish & Parishes within this Dominion, doe Annually some time in March call and hold a Vestry, and at ye same make a Certificate, of ye Name of ye present Incumbent, & how long he hath Continued in that Cure, to ye treasurer, ap-poynted, to receive & keep ye dutie arising by Vertue of this Act, who togather with two of ye Honorable Councill not being Collectors, and two of ye Clergie, such as shall be appoynted, by ye Govr, or Comander in Cheife are yearly in Aprill to order the sd 3d part of ye dutie arising by force of this Act, equally amongst ye Severall Ministers whose Names are Certified as aforesaid, which sums soe pd and allowed shall be Certified by ye psons who proportioned ye same amongst ye Ministers, to ye Severall Vestrys of ye pishes where they are resident, to ye end ye same may be discounted and allowed out of ye Sallary of ye said Minister, and yt he may be pd ye remainder of ye yearly allowance appoynted by the law to each Minister in this Country, at ye usuall time of Laying of ye Leavie by ye Vestrie, of ye sd pish, and yt the pson, or psons, who shall be appoynted to receive ye moneys, arising by ye duties ~~on them~~ upon ye goods men-tioned in this Act, from ye Severall Collector & Collectors of ye same, doe keep & reserve, in his & their hands & possession, the other third part of ye said money, to be hereafter disposed of by order of ye Genll Assembly of this their Majts Dominion, towards ye Encouragmt, of learning in case ye good designe of building a free Schoole & Colledge shall take its desired effect, or otherwayes to be disposed of for defraying ye publique charge of this Country, & lessening ye Leavy by ye pole, & to be for, noe other use, intent or purpose whatsoever

Provided alwayes that all & every Treasurer, Treasurers, Coll-
& Collectors, to be appoynted by Vertue of this Act doe befo-
their entries into their Respective Offices, give bond with good
sufficient Securitie, for their due pformance of their severall
Offices, According to the intent & meaning of this Act,
And for the further prevention of frauds, and discovery
thereof in the imposts, duties, & Customs, laid upon the severall
Comodities menconed in this Act, Be it Enacted by the autho-
:ritie aforesd, & it is hereby Enacted, That whatsoever pson or ps
shall from & after the first day of June next, export or
carry out, or cause to be exported, or carried out of this
Governt, by Land or Water, into any other Governt, for
the pchase of Skins, furrs, or other Indian Traffique, any
goods Wares or Merchandise, whatsoever, and shall not first
have the Lycense or pmit, of the Collector or other Officer
the Customs, of the district from whence he carries the same
who hereby is required & Comanded before the granting any
such pmitt or lycense to take bond with good & sufficient
securitie, that the full & whole produce, of such goods Wa-
or Merchtdizes in Skins furrs or other Indian traffique soon
it shall happen to be brought, ~~it shall happen to be brought~~
into this Country, and at the importation entered with him, or
some other lawfull appoynted Collector or Officer, shall for-
:feit such goods Wares & Merchtdises, or the Vallue thereof to
be recovered in such maner & to such uses as is in this Act be-
:fore exprest, And be it Enacted by the authoritie aforesd
and it is hereby Enacted, that the Lieut Govr or Comander in
Chiefe for the time being with the advice of the Councill, be impow-
:ered at any time hereafter as it shall be found Convenient
or necessary, any one or more of the above nominated five
places or Townes qualified by this Act for the buying & sel-
:ing all maner of goods Wares & Merchtdizes, to Constitute
appoynt & make, a Port, or place for laying on Shore, or

Loading on board all goods tobaccoes, & other Merchandise to be exported out of and imported into this their Majesties Dominion of Virginia, and the same being soe appointed be ever after equally qualified priviledged & admitted & to be deemed held, & taken wth any of the other Ports, already nominated and appoynted by this Act, for Ports & places of Lading goods tobaccoes Wares, & other Merchandises to be imported into or exported out of this Country anything in this Act heretofore Contained to the Contrary notwithstanding.

9. — An Act for a free trade with Indians

Be it Enacted by their Maj^{ts} Lieut Governr, Councill & Burgesses of this present Genll Assembly and the authoritie thereof, and it is hereby Enacted, That all former Clauses of former Acts of Assembly, Limitting, restraining & prohibiting trade with Indians, be & stand hereby repealed and they are hereby repealed, and that from henceforth there be a free & open trade, for all persons at all times & all places with all Indians whatsoever.

And for the future prevention of such mischiefes as have frequently happened at huntings comonly called fire huntings and other huntings Remote from the plantations — Be it Enacted by the authority aforesd, and it is hereby Enacted that noe person, or persons, whatsoever shall hereafter presume to goe on hunting remote from the English plantations, without first haveing obtained Lycense & pmission of their Majesties Lieut Governor or Comander in Chiefe for the time being, & the Councill of State under such restrictions limitations, and Conditions, as at the time of giveing such permission shall be by them thought fitt to be enjoyned, and appoynted

(10) An Act to prevent horses running at large and barking of fruit trees

Forasmuch as sundry horses, Mares & Colts, running in ye woods at large doe often prove very Injurious to ye Inhabitants of this Country, by breaking into Orchards and barking and destroying fruit trees, and Comitting sundry other mischiefs for prevention whereof for the future bee it Enacted, by their Majesties Lieut Govr, Councill and Burgesses of this Genll Assembly, and the authority thereof, and it is hereby Enacted, That from and after ye first day of October next, all & every owner or owners of such horse or horses, Mares or Colts, shall well and sufficiently keep or secure him or them, within their own fenced grounds, and incase yt anie time after ye said first day of October, any such horse or horses, shall bee found running at large, and without such fenced grounds and shall bee taken up, and delivered to ye owner or owners thereof such owner or owners, shall pay to the pson delivering the same, and making good proofe, by his own Corporall oath and one other evidence, before some one of their Majesties Justices of ye peace, for ye Countie, where such owner shall dwell, of his soe takeing up ye sd horse ~~or horses~~, without any means by him or any other person to his knowledge, used for ye letting at libertie such horse soe taken up, one hundred pds of tobacco & Caske for each horse. — And bee it further Enacted by the authoritie aforesd, that if at any time after ye sd first day of October, any such horse or horses shall break into any Orchard or garden, and spoyle bark or distroy any fruit tree or trees, ye owner or owners of such horse, or horses, shall pay to ye ptie injured as aforesaid and yt shall make sufficient proofe of ye same hundred pds of tobacco & Caske for ye first trespass

for such horse or horses second trespass proved as afores[d] four hundred p[oun]ds of Tobacco and Caske, to be recovered by Acti[on] of Debt in any Court of Record in this Collonie, and if any such horse or horses shall comit the third time any such mis=chiefes, it shall and be lawfull for any person or persons injuried thereby as aforesd, and having sufficient proofe thereof, to kill and destroy, any such horse or horses either by gun or otherwaies, alwaies provided that every owner or owners of any Orchard or fruit trees intending to take the benifitt of this Act, shall from time to time and at all times after ye sd first day of October next, well & suffici=ently fence and enclose such Orchard or fruit trees, with a good strong and substantiall fence four feet & a halfe high at ye least, — Provided alwayes & it is the true intent and meaning of this Act that ye penaltie of one hundred pounds of tobacco imposed by this Act upon ye owners of such horses Mares Colts &c, as shall be found running at large and without fenced grounds, shall be understood dem=ed and taken, to extend to the owners of such horses Mares & Colts, onely as are notoriously known, to be breakers & destroyers of fruit trees, intended to be prevented by this Act, and which may be proved such by sufficient Witnesses, although not taken in the Actuall doeing thereof, and to noe other any thing in this Act heretofore contained to the Contrary notwithstanding.

11 ) An Act for the more effectuall Suppressing the Sins and offences of Swearing Cursing pro[f]=phaning Gods Holy Name Sabath abuseing Drunkeness Fornication and Adultery

Whereas notwithstanding the many good Laws before

this time made and still in force, prohibiting swearing cursing, prophaning Gods Holy Name, Sabath abuseing drunkenness fornication and Adultery, perticularly the 13th Act of Assembly Entituled Church wardens to make presentments the 9th Act of Assembly Entituled Sundays not to be prophaned, with severall other Acts against the aforesaid Crimes and Vices partly for want of due observation of the same laws, have not produced the desired Effect, and partly for the imperfection that is found and doth appear in them, in not directing what method shall be followed, to bring the offenders to condigne punishment, and for want of sufficient penalties being appoynted in the said laws, and as the Acts and Statutes where at the time of making them thought to be very good and benificiall to the Common Wealth (as all of them yet are) so for if the substance of as many of the said laws as are necessary to be continued, shall be digested and reduced into one sole law & statute, and in the same a method prescribed, for the punishment of offenders, with account of what penalties the offenders therein shall incurr, there is good hope that it will come to pass, that the same law being duely executed will suppress the afore mentioned Vices, reform our lives, and be a means that the blessings of almighty God be showred down upon us, for as much therefore as all swearing Cursing, and prophaning Gods Holy Name is forbiden by the word of God, Be it Enacted by their most Majesties Lieut Gov, Councill, & Burgesses of this present Generall Assembly, and the authority thereof and it is hereby Enacted That noe person or persons whatsoever, shall from henceforth swear Curse, or prophane Gods Holy Name, and if any person or persons shall hereafter offend herein, and shall thereof be Convicted by the Oath of two Witnesses or by Confession of the party, then every such offender, shall for every time

soe offending, forfeit and pay the sume of one shilling, and for as much as nothing is more acceptable to God, then ye true and sincere service, and worship of him according to his holy will, and the holy keeping of ye Lords day is a principall part of the true service of God, which in very many places of this Dominion, hath been & is now prophaned and neglected by a disorderly sort of people, Be it Enacted by their Maj.ts Lieu.t Gov.r Councill & Burgesses, of this p'sent Gen.ll Assembly, and the authoritie thereof, and it is hereby En=acted, that there shall be noe meetings Assemblys or Concourse of people, out of their own parishes on the Lords day and that noe p'son or p'sons whatsoever, shall travill upon ye sd day and ye noe other thing or matter whatsoever be done on ye day, which tends to ye prophaneing of ye same, but ye ye same be kept holy in all respects, upon paine ye every p'son & p'sons soe offending, and being Convicted as aforesd shall loose and forfeit twenty shillings.

And whereas ye loathsome and odious sin of drunkenness is of too Common use in this dominion being ye root and foundacon of many other Enormous sins, as bloodshed stabing murther swearing fornication Adultery and such like, to the great dishon.r of God, and of this dominion, the overthrow of many good arts and manuall trades, the disabling of divers workmen and the Gen.ll impoverishing of manie of their Maj.ts good sub=jects abusively wasting ye good Creatures of God, Be it Enacted by their Maj.ts Lieu.t, Gov.r, Councill and Burgesses of this Gen.ll Assembly and the authoritie thereof, and it is hereby Enacted that all and every p'son and p'sons, who shall from hence forth be drunk and of the same offence of drunkenness shall be law=fully Convicted as aforesd shall for every such offence forfeit and pay ten shillings, and if the offender or offenders of all or any the aforesd Crimes or Vices, be not able to pay ye fines and forfeitures aforementioned then every offender and offenders therein shall be Committed to ye stocks for every offence there to be and remain, for ye space of three full houres and

Whereas Fornication and adultery are too filthy and grievous Sins and offences, as well ag.t ye law of God, as ag.t ye laws of man Be it Enacted by their Maj.ts Lieu.t Gov.r Councill & Burgesses of this present Gen.ll Assembly and the authority thereof, and it is hereby Enacted, that every pson and psons Comitting fornication and being Convicted as aforesaid, shall for every time soe offending forfeit and pay, the Sum of ~~twenty~~ ten pounds sterl, and ye every psone persons Comitting Adultery, and being Convicted as aforesd shall for every time soe offending forfit and pay the Sum of twenty pounds sterling, and if the offender or offenders, of any or both the aforesaid two Sins and offences of fornication and Adultery be not able, ~~[illegible]~~ to pay the fines, & forfeitures mentioned, then every offender, and offenders therein, shall for every time soe offending receive on his, or their bare backs, thirty Lashes well laid on. or three months imprisonm.t without baile or Mainprize. - And whereas many Inhabitants of this Country of dissolute and ill lives and Conversations, entertaine many times into their houses, women of ill names and reputation, Suspected of incontinency, or by other indirect means provide for ye maintenance, of such women, whose Company they frequent, Be it Enacted by their Maj.ts Lieu.t Gov.r Council and Burgesses, of this Gen.ll Assembly, and the authority thereof and it is hereby Enacted, that every pson or psons who shall soe harbour entertain or provide, for ye maintenance of such woman or women, or frequent her or their Company, or the Company of any other lewd women after publique admonition to avoide the same, given by ye minister and Church wardens by and with the Consent of Vestry, & Vestries of the parish or parishes, wherein such pson or psons shall dwell and in case there be noe Minister then by ye Church wardens of ye Same by ye Consent aforesaid, shall forfeit and pay for every time it shall be proved, that he or they have been in Company of such woman or women, after such admonition as aforesaid, as if he or they, had ~~really~~ been convicted of adultery, and every woman or women guilty of

of the same offence shall occurr the like punishment

And be it Enacted by the authority aforesd and it is hereby Enacted, that the grand Juries of every respective Countie with:in this Dominion, doe twice yearly make presentments against the offenders of this Law to the Court of ye County, where ye offence shall be comitted, and that the Justices of ye same punish ye offenders according to ye Act, all which said for:feitures shall be devided into three equall parts, one third ther:of towards the building or repairing the Church or Chappell of ease in the pish, where the said offence shall be comitted one third towards the maintainance of ye minister of ye same and ye other third to him or them, that will sue or inform for ye same, by bill pleint Information, or action of debt in any Court of Record within this Dominion, in which noe Essoign protection or wager of law shall be allowed.

12th) An Act declaring the Duty of Tanners Curriers & Shoomakers

For as much as divers and sundry deceits & abuses have bin hitherto comitted & dayly are comitted and practised by the Tanners Curriers and workers of Leather of this their Majts Collony and Dominion of Virginia, to the great injury and damage of the Inhabitants thereof, for prevention of which for the future, Be it Enacted by ye Lieut Govr Councill and Burgesses of this present Genll Assembly, & the authority thereof and it is hereby Enacted, that from and after the 29th day of March now next coming, noe person or persons whatsoever which shall after ye sd 29th day of March Occupie or use by him or themselves, or by any other person or persons the Craft or mistry of tanning of leather, shall suffer any hide or skin to lie in the limes till the same be overlimed nor shall put any hide or skin into any tanfatts before ye lime be well & perfectly soken, and wrought out of them and every of them, nor shall after ye sd 29th day of March put to sale unsearched hides or skins, but such as shall be first viewed

approved

approved and sealed by the viewers hereafter in this Act appointed, upon forfiture of such hide skin or leather soe offered or put to sale, And for as much as noe leather can be soe well tanned, but it may be marred & spoyled in the Curriing Be it therefore Enacted by the authority aforesaid, and it is hereby Enacted, that from & after the said 29th day of March next coming noe person, or persons shall curry any kind of Leather, except the same be well & perfectly tanned, nor shall after ye sd 29th day of March next, curry any hide or skin being not throughly dry after his wet season, with any other then good stuffe nor with less of ye then the leather will receive, nor shall curry any kind of leather meet for overleather, and inner soles but with good and sufficient stuff, being fresh & not salt, upon pain of forfiture for every such offence ten shillings to ye owner of each hide, or skin soe damnified, and be it further Enacted by ye authority aforesd, and it is hereby Enacted that ye Court of each respective County for ye time being shall appoint, one or more fit person or persons, for time to come to search and try all such Curried leather and shall with a seale therefore to be prepared, with Convenient speed after Currying and request made seale such leather as they shall find sufficiently Curried, takeing for every hide soe sealed after ye rate of two shillings and six pence for the dicker, or ten hides, and for every six dozen of Calve skins two shillings and six pence, and noe more to be paid by the owner of the said hide or skins, and for as much as leather well tanned & Curried, may by the negligence deceit or evill workmanship of the Cordwainer or Shoomaker be used deceiptfully to the hurt of the Occupier or wearer thereof. Be it therefore Enacted by the authority aforesd and it is hereby Enacted, That noe person or persons which after ye sd 29th day of March next coming shall Occupie the mistery or Occupation of a Cordwainer, or Shoomaker, shall, make or cause to be made

made any shooes boots slippers, or any part of them of Virg^a leather, not Curried, other then deer skins Calve skins & goat skins, made and dressed or to be made & dressed like unto Spanish leather, but of leather well and truely tanned and Curried, in maner and form afores^d or of leather well & truely tanned onely, and well & substantially sowed, with good thred, well twisted & made and sufficiently waxed, with wax well rosined and the stitches hard drawn with hand leathers.

And be it further Enacted by the authority afores^d and it is hereby Enacted that y^e Justices of each Respective County within this Collony, shall appoynt & swear yearly one or more persons, of the most Honest & skilfull men, within their County, to serve and View, within their precincts, of their said Offices, which shall as often as they think fit good or need shall be, make like search within their limits, and shall have a mark or seale prepared for y^t purpose, and that the said searchers or one of them, shall keep the same seale or mark, & with y^e same shall seale & mark such leather as they shall find sufficient & noe other, and if the said searchers or any of them doe find any leather, sold or offered to be sold, which shall be tanned wrought Converted or used contrary to the true intent and meaning of this Act, or any leather insufficiently Curried, or any boots shooes bridles, or any other thing made of tanned or curried leather, insufficiently tanned curried, or wrought, contrary to any provision in this present Act, it shall be lawfull to the searchers, or any of them to seize all such leather shooes or any wares, made of leather, and to retaine y^e same in their Custody untill such time as the same shall be tryed, by such tryers & in such maner & form, as is hereafter in this Act appoynted —

and

And be it further Enacted by the authority aforesd and it is hereby Enacted, that ye Justices of each respective County within whose precincts, any such Seizure of any kind of tanned leather, red or Curried, or of any shooes, boots or other wares made of tanned leather, shall happen to be, shall with all Convenient Speed, after notis to them given, of any such Seisure appoint six honest and expert men, to try whether the same leather, boots shooes or other wares soe seised be sufficient and according to the true intent of this Act or not the same tryall to be made upon the next Court day after such seisure, — And be it further Enacted by the authority and it is hereby Enacted that each of the said persons soe appointed & Elected, for ye tryall of ye sd leather shooes boots & other wares made of tanned leather soe to be seised as aforesaid, shall proceed and doe their duty therein without delay, according to the true intent and meaning of this present Act, upon pain that every of them making default herein, shall be fined at the discretion of the Court of the said County — And be it further Enacted by the authority aforesaid & it is hereby Enacted that if any searcher or sealer of leather shall refuse, with convenient speed to seale any leather sufficiently tanned, wrought or used according to the true intent & meaning of this pr'sent Act, that then every such searcher, or sealer, shall forfeit for every such offence fourty shillings, & further if any searcher of leather shall receive any bribe or exact any other fee for the execution of his sd Office then is by this present Law limitted for the searching and sealeing of leather, then every such searcher or sealer soe offending shall forfeit for every such offence twenty pds sterling, and if any pson or persons duely elected according to the true intent and meaning of this

present Act, to and for the execution of ye sd Office
of Searching and Sealing of Leather refuse to undertake
the said Office, that then the pson or psons soe refusing
shall forfeit and pay five pounds sterl, And be it fur-
-ther Enacted by the authority aforesaid, & it is hereby enacted
that if any pson will after ye said 29th of March next
coming wilfully withstand or deny any such Search
to be made, according to the tenor of this Act, as is aforesd
or will not suffer the said tryers & searchers, soe appointed
to enter into his or their house or houses, or other places
to view and search at their and pleasure, all maner of
tanned leather, & all maner of shoes boots [illegible] saddles
and all maner of wares wrought and made of leather
and to seize and carry away all such leather shoes &
wares, as they shall find insufficiently tanned curried
or wrought or made of ill stuff, that then all & every
such pson & psons for denying and withstanding and
not suffering the said tryers and searchers, or any of
them appointed for the time being, to enter & make search
and seize as is aforesd, shall loose and forfeit for
every time for denying and withstanding five pds sterl,
And be it further Enacted by the authority aforesd &
it is hereby Enacted that it shall not be lawfull for
any pson or psons, to buy sell or exchange any tanned
leather before ye same shall be searched and sealed
upon pain to forfeit ye said leather, and ye value thereof
of, soe bought sold or exchanged, and not searched & sealed
And be it further Enacted by the authority aforesd and
it is hereby Enacted, that if any Currier after ye sd 29
day of March next coming, doe curry any any leather
insufficiently tanned, or after ye sd 29th day of March
doe not curry such leather as he doth substantially
well according to the meaning and purport of this Act or

Any Shoomaker Cordwainer or Cobler, after the sd 29th day
of March put any tanned leather into any Shooes boots, slip-
-pers or other things made of tanned leather, which shall not
be perfectly tanned according to the purport & true meaning
of this Act, or after the said 29th day of March, doe
put any Curried leather into any boots Shooes or slippers
or other things made of leather, which shall not be well
sufficiently tanned & Curried, and also sealed as is aforesaid
or doe make boots shooes slippers or such things made
of tanned leather in any other maner than is above speci-
-fied and Ordained, or if any Shoomaker Sadler or other
Artificer using Cutting or working of leather, doe make
any wares insufficiently tanned, or of tanned and Curried lea-
-ther, being not sufficiently tanned & Curried, as is aforesaid
or doe not make their wares belonging to their severall
Occupations, sufficiently and substantially, that then
every person soe offending, shall for forfit for every
severall such offence or default ye said wares, and ye just
Vallue thereof, all which pains penaltys and forfiturs
aforesd of sums of money aforesd, shall be devided into three
equall parts, one part whereof shall be to our soveraign Ld
and Lady the King and Queen their Heyrs & Successrs towards ye
better support of the Governmt of this their Majs Collony &
and Dominion of Virginia, and the Contingent Charg: thereof
and another pt to him or them ye shall first sue for the
same in any Court of Record within this Collony, by Action
of debt bill pleint ~~bill plaint~~ or Information or otherwaies
in which suit noe Essoign protection or wager of law shall
be admitted or allowed, and the other third part thereof shall be
disposed by the Court of such County where the offence shall
be Comitted, towards the building Erecting & supporting an
house of Correction, and all such leather shooes boots slippers
wares stuffs or other things whatsoever, made of tanned leather
curried leather, which shall be seized by vertue of this Act,

And shall be found by the tryers as is aforesd to be apoynted to be insufficient, shall be forfeited and distributed as hereafter followeth, that is to say such leather or stuffe soe seized, to be brought to ye Courthouse of the County where such seizure shall be made, there to be appraised by indifferent persons, and the value thereof to be devided into three parts whereof one to be to their Maj^{ts} their Heyrs & Success^{rs} towards ye better support of the Governmt and ye Contingent charges thereof, and another pt to the first seizer or seizors of ye sd unlawfull stuffe, and another part to be disposed of by the Court of such County where such seisure shall be made, towards ye building erecting and supporting an house of Correction — And for ye avoiding all ambiguities and doubts which may & doe grow and arise, upon ye definition and interpretation of this word leather, Be it Enacted and declared that ye hides and skins, of ox: steer bull cow calfe, deer goat & sheep, being tanned shall be and ever hath been reputed and taken leather.

13 | An Act enjoyning the planting and dressing of flax and Hemp

Forasmuch as for some time past the Inhabitants of this Country, have suffered great want of linin, by reason of the warrs, and to ye end the same may be endeavoured to be prevented, Be it Enacted by their Maj^{ts} Leiut Gov Councill and Burgesses of this Genll Assembly & the authority thereof and it is hereby Enacted that every tithable pson within this Country doe make or cause to be made one pd of drest flax and one pd of drest hemp, or two pd of either by the last of October which shall be in the year 1692 and soe yearly and every year after the sd last day of October upon penalty of forfeiting, for every pd of flax or hemp neglected to be made as aforesd ye sum of sixty

pounds of tobacco to be paid by the master owner or overseer of any ffamily or owner of Serv^ts or by any free tithable deficient as aforesaid, and for the better discovery any such deficiency, Be it Enacted by their Maj^ts Lieu^t Govern^r Council and Burgesses of this present Gen^l Assembly, and the authority thereof, and it is hereby Enacted, that all & every m^r owner, or overseer or free tithable as aforesaid, making such quantity as by this Act is enjoyned, shall carry the same to the next Justice of the peace, of the County where he resides, and make Oath or other sufficient proof, that the same is of his or their own growth, of w^ch y^e s^d Justice is hereby enjoyned, to grant such p^son Certificate, which he shall produce to the next Court held for y^e County, and y^t all persons neglecting to obtain such Certificate as afores^d shall be adjudged deemed and held to have made breach of this law and to be proceeded against accordingly, the one 3^d p^t of such fines and forfeitures, to be to our Sovereign Lord and Lady y^e King and Queen, their heirs and Successors for and towards y^e better support of this their Maj^ts Dominion of Virginia and the Contingent Charges thereof, one other third part to him or them y^t will inform and sue for the same in any Court of Record within this Collony, by action of Debt bill plaint or information, and the other third part to y^e use of y^e County wherein the same shall be forfeited.
This Act to Continue in force for two years from and after the said last day of October Anno 1692.

14 ) An Act for the alteration of the time for Processio-nings of Lands

Whereas in the Act of Assembly relating to processioning Lands, being the 70^th Act of the printed laws it is directed that the said Act be put in effectuall execution, between Easter and Whitsuntide, which time of y^e year being [illegible] inconvenient in many Respects, Be it therefore Enacted their Maj^ts Lieu^t Govern^r Councill & Burgesses of this Gen^l

Assembly and the authority thereof, and it is hereby Enacted that soe much of ye said Act, as appoynts ye time of processioning be and is hereby repealed, and be it Enacted by ye authority aforesaid, and it is hereby Enacted that ye time of processioning lands hereafter be between the last day of September and the last day of March.

12) An Act for the better defence of the Country.

Whereas great & many are the dangers which surround and threaten this Dominion, being a defenceless & open Country subject either to invasions or Incursions of our invetarate Enemies, most neighbouring Countrys having been already involved in such difficultys, & troubles that wee be not wholely surprised in case wee should be visited with such afflictions, but as capable of making as vigorous a defence as possible, and for the better and more effectuall preventing murthers, depredations incursions, & other spoyles ye may be comitted with our Indian and other Enemies, Be it Enacted by their maj^ts Lieu^t Gov^r, Councill and burgesses of this p^rsent Gen^l Assembly & the authority thereof & it is hereby Enacted that whereas the R^t Hon^ble, by & with the advice of the Councill out of their great care, for the preservation and security of the peace of the Country, have already raised listed and appoynted one Lieu^t, eleaven souldiers, on the head of great River well furnished with horses & other accoutrements to range & scout about ye heads of ye s^d great Rivers for which they serve, and in such other places, as shall be most likely to discover our enemies, that ye s^d souldiers be and are hereby continued as already settled for soe long time (not exceeding ye last of aprill which shall be in anno 1692) as the Gov^r, with y^e advice of the Councill shall think convenient and necessary, and that ye pay of each Officer & souldier be as followeth for lieu^t or Comander of each party of souldiers

finding himselfe horse Armes Ammunition & provision shall
have & receive five thousd pds of tob & Cask out of ye publiq
leavy for one whole year, & soe after ye rate, for a longer or shorter
time, & each Souldier finding himselfe horse Armes, furniture amu-
nition & other necessaries 3000 lb tob & Cask & soe after ye rate for
a longer or shorter time, & whereas it is impossible at present to
provide, yt ye Country bee effectually ~~guided~~ defended wth ye least trou-
ble & Charge to ye inhabitants thereof Be it enacted by their Lieut
Govr Councill & Burgesses of this present Genll Assembley & ye authority
thereof & it is hereby Enacted that the Lieut Govr or Comandr in Cheife
for the time being, with ye advice of ye Councill have power upon all
Occations bee this time & ye last of Aprill, 1692, to raise leavy &
muster for many, & such a number of men horses, armes & amunition
for the better defence of ye same, and such forces already raised or
to be raised, at all times to disband & discharge as to them shall
seem most Conduceing to ye advantage of this Dominion, which said
souldiers already settled or to bee raised by force of this Act are
upon all Occations, to observe performe & keep, all such directions
orders & Comands, as shall bee appoynted by ye Lieut Govr, or ye
Comandr in Cheife for ye time being, with ye advice of ye Councill, & shall
receive pay & bee satisfied proportionally, to the time they shall
be in Service after these rates (vizt) each Capt finding himselfe
horse Armes Amunition provision & all other necessaries ten thousd
pds of tob & Cask for one whole year, & soe proportionally for
a longer or shorter time, each Lieut finding and provideing him-
selfe, as aforesd after ye rate as in this Act is before exprest and
every private souldier mounted Armed & provided as aforesd, after
ye rate as in this Act is before mentioned, And bee it further
Enacted by ye authoritie aforesd and it is hereby Enacted, that
the two Indians by this Act appoynted, shall each of them
have and receive, from the Lieut of ye Rangers, to whome he
belongs eight yds of duffill, & two barrells of Indian Corn
[fo]r his Service, for one year and soe proportionally for a
[lo]nger or shorter time, and ye sd Lieut, shall bee reimburst

By the publique, and the sd Lieut, take care to provide
Warrant, from the Comandr in Chiefe of ye County, where he re-
-sides for each of the said Indians, one able horse bridle &
Saddle for which ye owner or owners, of the said horse or hors
furnished as aforesd, shall have & receive from the Country in
the next publique leavie after the rate, of eighty lbs of
Tobacco and Caske for one month & soe proportionally for
a longer or shorter time. — And forasmuch as by a Clause
of the 5th Act of Assembly made at James Citty, October ye 10th
1665, it is Enacted that the bounds of the Indians on the
South side James River, be from the heads of the southern
branches of the black water, to the Apamatuck Indian
and thence to the Monokin Town, for the better explaining
and ascertaining ye bounds betwixt ye English, & ye Indians on
the So: side of James River, — Be it Enacted by their Maj
Lieut. Govr Councill and Burgesses of this present Genl Assem
and the authority thereof and it is hereby Enacted, that a line
from the head of the Chiefe or principle branch of the Black
-water, to the upper part of the old Apamatuck Indian
Townfield, and thence to the end of the Manakin Town
be adjudged, deemed, held, & taken, to be ye said bounds &
that ye Rt Honerable the Lieut. Govr, wth the advice of
ye Councill be requested, to appoynt some Surveyor, or surv
to lay out ascertain & plainly marke, ye said lines, and
that all pattents or other grants of any lands lying wth-
-out ye sd bounds, be and are hereby declared void and
null to all intents and purposes as if the ye same had never
been granted. — And be it Enacted by the authority as
said and it is hereby Enacted, that ye Right Hon:able ye Lieut
Govr, wth the advice of the Councill, be & is hereby requi
and impowered, to appoynt Surveyor, to lay out & Marke a [illegible]
from some convenient place above ye Inhabitants on the [illegible]

side James River, as he shall think fit, to some place above the
Inhabitants on Rapahanock River, and likewise to appoynt
persons to clear the same at least twenty five foot wide, &
for wch service the said Surveyor or Surveyors, and other
persons imployed, shall be allowed in the next publique
Levy. And be it further Enacted by the authority aforesd
and it is hereby Enacted, that noe Surveyor or Surveyors doe
within three years, next after the laying out, & Clearing of
the sd Road, presume to lay out or survey any land or
lands, without the same for any person whatsoever, and also
that noe person which already hath taken up, or pattented
any land wch may happen to be without the sd Road, doe adven
ture to seat thereon, untill the sd three years after such lay
ing out be expired. Always provided that the sd time of Re-
=straint, shall not be accounted, deemed, or taken to be any
part of the time limitted for seating or planting of lands.

16) An Act for suppressing outlying Slaves

Whereas many times Negroes Mallattoes & other slaves
unlawfully absent themselves from their Mastrs and Mistrisses
service, & lye hid & lurk in obscure places, killing hoggs &
comitting other injuries to the Inhabitants of this Dominion
For remedy whereof for the future be it Enacted, by their
Majties Lieut Govr, Councell & Burgesses of this Genll Assembly
and the authority thereof, and it is hereby Enacted, that in
all such cases, upon intelligence of any such Negroes Mallattoes
or other slaves lying out, Two of their Majties Justices of
peace of the County whereof one to be of the Quorum,
where such Negroes Mallattoes or other slaves shall be
shall be impowered & Comanded and are hereby impowered
and Comanded to issue out their Warrants directed to the
sherr

Sherriffe of the same County to apprehend such Negroes Mallattoes & other slaves, which said Sherriffe is hereby likewise required upon all such Occasions, to raise such and soe many Forces, from time to time, as he shall think Convenient & necessary, for the effectuall Suppressing such Negroes Mallattoes or other Slaves, and incase any Negro Mallatto or other slave, or Slaves, lying out as aforesd shall re=sist, runaway or refuse to deliver or Surrender, him or themselves to any pson or psons, that shall be by any Lawfull authority, imployed to apprehend & take such Negro Mallattoe or other slaves, that in such Cases it may and shall be lawfull, for such pson or psons to kill and destroy such Negroes Mallattoes or other slaves, by gun or any other wayes whatsoever, — Provided, that where any negro, or Mallatto slave, or slaves, shall be killed in psuance of this Act, the owner or owners of such Negro or Mallatto slave, shall be pd for such Negro or Mallatto slave four thousand pounds of tobacco by the Publique, And for prevention of that abominable mixture and Spurious issue, which hereafter may in=crease in this Dominion, as well by Negroes Mallattoes & Indians, intermarrying wth English or other white women as by their unlawfull accompanying wth one another — Be it Enacted by the authority aforesd and it is hereby En=acted, that for the time to come whatsoever English or other white man or Women, being free shall intermarry with a Negro Mallatto or Indian, man or woman bond or free shall within three moneths after such marriage be banished and removed from this Dominion for ever, and that the Justices of each respective County, within this Dominion make it their particular care that this Act be put in effectuall execution and

And be it further Enacted by the authority aforesd it is hereby Enacted That if any English woman being free shall have a bastard Child by any Negro or Mallatto, she pay the Sum of fifeteen pds sterling, within one moneth after such Bastard Child shall be born, to the Church wardens of the parish where she shall be delivered of such Child, and in default of such paymt she shall be taken into the possession of the said Churchwardens, and disposed of for five years, and the sd sum of fifeteen pounds or whatsoever the woman shall be disposed of for, shall be pd one third part to their Majts for and towards the better support of the Governmt & the Contingent Charges thereof one other third part to ye use of the parish where the offence is Comitted, and the other third part to the Informr, and ye such bastard Child be bound out as a servt by the Churchwardens, untill he or she shall attain the age of thirty years, and in case such English woman yt shall have such bastard Child be a servt, she shall be sold by ye Churchwardens, after her time is expired that she ought by Law to serve her Master, for five years and ye mony she shall be sold for devided, as is before appointed, and ye Child to serve as aforesd, And forasmuch as great inconveniences may happen to this Country by setting Negroes & Mallattoes free, by their either entertaining negro slaves from their Masters service, or receiving stoln goods, or being grown old bring a Charge upon ye Country For prevention thereof be it Enacted by the authority aforesd & it is hereby Enacted that noe Negro or Mullatto be after ye Session of this present Assembly set free by any person or persons whatsoever, unless such person or persons their heirs executors or admrs pay for the transportation of such negro or negroes out of the Country within six moneths after such setting them free, upon penalty of paying ten pds sterling to the Church Wardens of ye parish where such person shall dwell, with which mony or soe much

thereof, as shall be necessary the said Churchwardens are to cause the said negro or Mulatto to be transported out of the Country, and the remainder of the said money to imploy to the use of the poor of the Parish.

17) An Act for Lessening the Leavy by the Pole and laying an imposition upon Liquor

Forasmuch as a more suitable expedient cannot be found to lessen the leavy by the pole on the Inhabitants of this their Majesties Dominion of Virginia & to defray other Contingent Charges of the Governmt, then to lay an imposition on all Liquor imported into this Country &c Be it therefore Enacted by their Majts Lieut Governr Councell and Burgesses of this present Genll Assembly and ye Authority thereof, and it is hereby Enacted, That the severall rates duties and imposts hereby set and imposed, upon and every the hereafter named forreign Liquors, which shall be imported or brought into all or any of the ports of this Dominion from and after the 31st day of May Anno 1691, shall be from time to time satisfied and paid, to their Majts their Heyrs and Successors, to and for the uses intents and purposes hereafter mentioned, and to and for no other use intent or purpose whatsoever by the Merchant & Merchants, Owner & Owners, importer and importers of ye same (vizt) for every gallon of Wine of all sorts whatsoever brandy Rum Sider, or any other Spirits or liquors imported into this Dominion except always what shall come directly from England, the sum of four pence being imported in forreign built Ships, and not belonging to the Inhabitants of this Country and that for all and every the aforesaid Specified Liquors imported in Ships or other Vessells wholely and solely belonging to the Inhabitants of this Dominion and in which the importer hath an interest and part there shall be paid, and satisfied in full satisfaction of all rates duties and imposts arising by Vertue of this Act

two

per pipe for every Gallon onely, and that all liquors imported into this Dominion, in Ships & other Vessells, really and bona fide built in this Dominion, and wholely and solely belonging to the Inhabitants thereof, and in which the importer hath an interest & part, shall be fully & clearly exempted and freed from the rates duties & imposts arising by this Act. And for the better leavying and collecting the duties and imposts, upon all forreign or imported liquors, Be it Enacted by their Maj^ts Lieu^t Govern^r Councill & burgesses of this p^rsent gen^ll Assembly & y^e authority thereof, and it is hereby Enacted, that noe forreign or imported liquors, shall be landed or put on shoare any  out of any Ship or other Vessell from beyond y^e seas before due entry be first made thereof with the Officer or Collector appointed for the Customs in the port or place where the same shall be imported, or before y^e dutys due and payable for the same be fully sattisfied and that every warrant for the landing and delivering any such forreign liquors, shall be signed by the hand of the said Officer or Collecter, in the said port or place respectively, upon pain that all such forreign liquors as shall be landed put on shoare or delivered contrary to the true intent and meaning of this Act, and y^e vallue thereof shall be forfitted and lost, and to be recovered of the importer or proprietor of the same, and that noe p^rson or p^rsons whatsoever, bringing any the before recited liq^rs into any port or place of this Dominion, nor any p^rson or p^rsons, to whome the same or any of them shall be consign^d shall land or cause any such liquors to be landed or put on shoare, without entering or causeing due entry to be made of the same, and giveing a true acc^t of the gallons every caske did contain upon oath with the officer or officers for y^e time being appointed to receive and take such entries within y^e port or place where y^e same shall be landed or upon

upon pain in every such case aforesd to forfitt double the value of the said liquors landed or put on Shoare contrary to the true intent & meaning of this Act, and the Master or purser of every Ship barque or other Vessell, shall make a true and just entry upon oath, which the Collector or or other Officer is hereby required to administer, of the burthen Contents and lading of every such Ship Barque or other Vessell, with pticular marks numbers quallities and Contents of every Casque therein laden with liquors to the best of his knowledge, also where and in what port she tooke in her lading of what Country built how manned, who was master dureing the Voyage and who are owners thereof, upon penalty of forfiting one hundred pds sterling — And for the better encouragement of all masters Merchants owners & other psons whatsoever to make due entry and paymt of the duties rates & imposts raised by vertue of this Act, and in Consideration for filling and Leakeage, there shall be abated & allowed on twenty gallons in every hundred, which sd allowance abatement the said Collectors, to be appoynted to receive the said duties, are hereby authorised to allow & make accord=ingly — Provided always that where any master Mercht owner or other person whatsoever shall Willingly or willingly make a false entry & be Convicted for the same, in that case such master mercht owner or other person shall forfit & pay one hundred pds Sterling, and that the sd pson or psons which are or shall be appoynted to receive the duties and imposts, arising by Vertue of this Act, and their deputies are hereby authorised & enabled, to goe and enter on board any Ship or other Vessell, and from thence to bring on shoar all the before Specified liquors, for which the duties are not paid or Compounded for, within ten days after the first entry of

of the said Ship or other Ship or other Vessell, and the officers of Customs & their deputies may freely Stay & remaine onboard untill all the goods are delivered and discharged, out of the said Ship or other Vessell, and if any officer or officers, to be appointed to receive the dueties by this Act, arising or other person or persons deputed or appoynted under them or any of them or any other authority whatsoever, shall directly or indirectly take or receive, any bribe, Recompence, or reward in any kind whatsoever or conive at any false entry of any wines or other liquors &c, whereby ye duetie be defrauded ye person or persons therein offending shall forfeit ye sum of one hundred pds sterling, and be for ever afterwards incapa=ble of any office or imployment, within this Dominion, as alsoe ye Master merchant marriner or other person whatsoever who shall give or pay any such bribe reward or recompence shall forfeit the sum of fifty pds sterling. — And that all officers Captains & Comanders of Ships, as alsoe all Justices of the Peace, Sheriffs Constables & headboroughs, & all other their Majts officers Ministers & Subjects whatsoever, whome it may Concern, shall be aiding and assisting to all & every person & persons wch are or shall be appoynted by the Governr, to Collect & receive the dueties &c, And ye Collectr Collectors & their respective Deputies, in due execution of all and every act & thing in this present Act required & injoyned, and all such who shall be aiding and assisting unto them in the due execution hereof shall be defended & saved harmless by vertue of this Act. — And for ye greater encouragemt, of mrs Marriners & other seafaring men, to settle themselves & inhabit with their families in this dominion be it Enacted by their Majts Lieut Governr, Councell & Burgesses of this present Genl Assembly & ye authority thereof & it is hereby Enacted, That such Masters Marriners & other

Seafaring men, who shall settle themselves & inhabit with their families in this Dominion for the space of one full year, shall pay & satisfie in lieu & full satisfaction of all duties arising by this Act, for every gallon of the before recited liquors imported into this Country, in any Ship Barque or other Vessell, whereof he or they be master or Marriner upon their own proper account two pence one tho he or they have noe interest or part in ye same Vessell, — All which said forfeitures shall be devided into three equall parts, one third pt thereof to their Maties their Heyrs & Successrs towards ye better support of the Governmt, and defraying other Contingent Charges Charges thereof, one other third part to ye Govr for the time being, and ye other third part to him or them that will sue or inform for ye same, by bill plt information or other Action of Debt, in any Court of Record within this Dominion, wherein noe Essoign protection or wager of law shall be allowed. — And be it enacted by the authority aforesd, and it is hereby Enacted, that ye Govr for ye time being with ye advice of ye Councill, shall be and is hereby impowered from time to time, & at all times hereafter to Nominate Constitute & appoynt, such & soe many Collectors & other Officers, alsoe such sallaries methods and orders, not exceeding ten in the hundred, for Collecting the sd duty, as to them shall seem best, And be it Enacted by the authority aforesd and it is hereby Enacted, that all & every sum & sums of mony raised or to be raised by by vertue of the imposition aforesd, be Constantly accounted for by ye Collector thereof to the treasurer of this Dominion for ye time being, and by him to the Govr Councill & Burgesses of the Generall Assembly and Converted to ye uses by them directed according to the true intent & meaning of this Act and

And to and for noe other use intent or purpose whatsoever And this Act to Continue in force for three years from ye 31st day of May Anno 1691, and noe longer.

18/ An Act Appoynting a Treasurer

Whereas it is by this present Genl. Assembly Enacted that all & every Summe and Sums of money, raised or to bee raised by force and vertue of one Act of Assembly at this present Session of Assembly made & Enacted Entituled An Act for Ports for better Secureing their Majts. Customs, raising a revenue for security thereof & encouragemt. of learning & piety, and also ye all & every Sum and Sums of money, raised or to be raised by force and vertue of one other Act of Assembly at this present Session of Assembly likewise made and Enacted, Entituled An act for lessening the Leavy by the pole and laying an imposition on liquors, shall be Constantly accounted and pd by the Collector, thereoff to the treasurer of this Dominion for ye time being, and forasmuch as in ye two before menconed Acts, there is noe express nomination of any pson in certain to be treasurer, Bee it Enacted by their majts Lievt. Govr, Councill & Burgesses of this psent Genl. Assembly & the authority thereof and it is hereby Enacted, That Colo Edward Hill be and is hereby nominated Constituted & appoynted Treasurer of the Revenue arising by the two before specified Acts of Assembly and the said Collonell Edward Hill, is hereby authorized required & Comanded, to keep & retain all such moneys in his own Custodie and possession untill he shall be ordered and required to dispose of ye same, in such maner & by such warrant, and for such uses intents & purposes & noe other as are limitted appoynted and directed in the sd Acts, and Be it

it Enacted by the authority aforesaid & it is hereby Enacted that the sd Coll Edward Hill, before his entry & admission into the sd office, & before his taking upon him to execute and manage the same, doe give bond into the Secretary's Office, with good and sufficient Security, in the Sum of five thousand pounds, payable to their Maj^ts their heirs and Successors, for ye true and just performance & discharge of the aforesd Office, and place of treasurer, according to the true intent and meaning of ye two sd Acts of Assembly — And forasmuch as by ye forerecited Act entituled, an Act for lessening ye Leavie by ye pole and laying an imposition on liquors, there is noe provision made of Sallary to the treasurer of ye said imposition, Be it Enacted by the authority aforesd & it is hereby Enacted, That ye Sallary of Sixe p Cent be and shall be allowed, & pd to the treasurer of this Dominion, out of all & every Sum & Sums of money arising by Vertue of ye Act imposition upon liquors, and accounted for to the Govern^r Councill & Burgesses of ye Gen^ll Assembly by ye sd Treasurer according to the direction of the said Act

19 | An Act for deviding New Kent County

Whereas sundry & divers inconveniences attend ye Inhabitants of Newkent Countie, & all others who have Occasion to prosecute suits there, by reason of ye difficulty of passing the River Be it therefore Enacted by their Maj^ts Lieu^t Gov^r, Councell & Burgesses of this present Gen^ll Assembly & ye authoritie thereof and it is hereby Enacted, That ye aforesd County of Newkent be devided into two distinct Counties Soe yt Pamunky River devide ye same, & soe down York River

River to the extent of the County, and yt that part which is now on the south side of York & Pomunkey River be called Newkent, and that on the North side with Pomunkey Neck be called & known by ye name of King & Queen County And be it further Enacted by the authority aforesd & it is hereby Enacted, that ye inhabitants of Pomunkey Neck that now belong to Saint Peters parish be restored & added to ye same parish, from wch they formerly were taken, & ye Pomunkey River be ye bounds betwixt ye two parishes, any law Custom or Usage to the Contrary notwithstanding — And for the due administration of Justice be it further Enacted by ye authority aforesd & it is hereby Enacted, that a Court for ye sd King & Queen County be constantly held by ye Justices there=of, upon the 12th day of ye month in such maner as by the laws of this Country is provided, and shall be by their Comission directed.

20| An Act for devideing Lower Norfolk Countie.

Whereas as by the largeness of lower Norfolk many in=conveniences are found by the Inhabitants of the lower parts of ye sd County, bounding on the main Ocean & the parts of North Carolina, which have been by ye sd Inhabitants much Complained of, & now from ye Inhabitants of the Eastern part Remonstrated to this Gen.al Assembly as a Grievance, wherein they pray to be redressed, Be it therefore Enacted by their Majts Lieut Gov.r Councell & Burgesses of this Gen.l Assembly & the authority thereof and it is hereby Enacted, that the sd County of lower Norfolk shall be devided, and made two Counties in manner following, that is to say begining at the New inlet of Little Creek & soe up ye sd Creek to the dam

between Jacob Johnson, and Richd Grant, and soe out of ye sd Damm up a branch, the head of wch branch ly-eth between the dwelling house of Wm Mosely sen and the dwelling house of Edwd Webb, & soe to run from the head of the sd branch on a direct line, to ye Damm at ye head of the Eastern branch of Eliza River the which damm lie between James Kemp & Thomas Joyce, and soe down ye sd branch to ye mouth of a small branch or gutt, that divide ye land wch ye sd Jno Porter now lives on, from ye land he formerly lived on, & soe up ye sd small branch according to the bounds of the plantation, where ye sd porter now liveth, & from thence to ye great swamp that lieth on ye east side of Jno Showlands, & soe along the great swamp to ye north River of Coratuck and down the sd no: River to ye mouth of Simpsons Creek and soe up ye sd Creek to ye head thereof, & from thence by a south line to ye bounds of Carolina, and that this Division shall be and remain ye bounds be-tween ye sd two Countys wch shall hereafter be, and be held deemed and taken, as & for two intire & distinct Countys, each of which shall have use & enjoy, all ye liberties privileges & advantages of any other County of this Collony to all intents & purposes whatsoever, & the uppermost of the sd two Countys in wch Eliza River and the branches thereof are included, doe retain & be ever hereafter known & called by ye name of Norfolk County, & yt ye other of ye sd two Countys, be called & known by the Name of Princess Ann County, & for ye due administration of Justice, be it Enacted by ye authority